

THE FRIENDS OF GOVERNMENT: LOYALISM, IDEOLOGY AND
POLITICS IN REVOLUTIONARY MASSACHUSETTS, 1765-1776.

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For Catherine

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DECLARATION OF AUTHORSHIP.

I hereby declare that this thesis is an original piece of work composed entirely by myself.

Edinburgh,
September, 1988.

Colin Nicolson.

ABSTRACT OF THESIS.

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This thesis is intended to contribute toward our understanding of the problem of why the Loyalists were unable to prevent the American Revolution. The Loyalists were particularly weak in Massachusetts, and this thesis continues and extends the investigations of historians by studying the Loyalism, ideology and political behaviour of the conservatives and moderates of Massachusetts who opposed the Whig protest movement, 1765-1776, many of whom became Loyalists. They are known collectively as the "friends of government" - a term used by contemporaries.

The ideology of the friends of government, their political behaviour in the General Court (the assembly) and town meetings, and their political relationships with the royal governors are examined in thirteen chapters. In addition, a prosopographical survey of 727 friends of government supplements the study of ideology and politics as behavioural determinants (determinants: place of birth; residence; age; education; religion; occupation; tax assessment; membership of quasi-political voluntary associations; subscription to various political protests; proscription as a "Tory" by the Whigs; acts of Loyalty; proscription as a Loyalist by the Patriot authorities and state government; and the compilation of the dates of political awareness and political activity for or against the provincial government.)

The failure of the Loyalists is traced to the ideological and political conflicts of the 1760s and early 1770s when the friends of government were unable to form durable anti-Whig political coalitions and overturn the political dominance of the radical-led Whig party. Consequently, in 1775-1776, few colonists (and just over half the number of friends of government) were prepared to declare their allegiance and Loyalty to Great Britain. A popular-based Loyalist movement never emerged in Massachusetts because of the failure of the friends of government to create a popular anti-Whig movement, 1765-1776.

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INTRODUCTION.

This dissertation continues and extends the investigations begun by previous historians of the American Revolution and aims to contribute toward our appreciation of the problem of why the Loyalists were unable to prevent the Revolution. It approaches the problem from the perspective of the part played by the Loyalists and their associates in the ideological and political conflicts of Massachusetts during the 1760s and early 1770s. It is my contention that we can understand more fully the Loyalists' failure by studying the ideology and political behaviour of the conservatives and moderates who opposed the Whig protest movement, 1765-1776.

These men and women are known collectively as the "friends of government". This term was used commonly by contemporaries to denote those persons whose political affiliation before 1775 lay with the royal governor and the provincial administration, although they were, as often as not, called "Tories" by the Whigs. Its use here avoids the anachronisms of labeling anyone a "Loyalist" before the outbreak of the Revolutionary War and describing pro-government moderate Whigs as "Tories". The friends of government comprised two main ideological-political groups: the Tories or conservatives - who opposed the Whigs from the outset of the dispute between Britain and the colonies over the Stamp Act of 1765 - and moderate Whigs who had become disenchanted with resistance to Britain and alarmed at the power/

power and influence of the radical leaders of the protest movement. The overwhelming majority of the friends of government, however, were neither Whigs nor Tories, yet responded to the leadership they offered. All three groups came together in a loose anti-Whig coalition. In all, this dissertation studies the ideology and political behaviour of 727 Massachusetts friends of government.¹

By 1775, the friends of government constituted the nucleus of the Loyalist pro-British elements in the political life of the province. Loyalism, for them, entailed a commitment to turn back and overthrow the progress of the revolutionary movement. But only half the total number of friends of government became Loyalists, while virtually all the others remained neutral and took no part in the war. Why was this so? Ultimately, it is this question that demands our attention, for in the answer we may perceive the reasons for the Loyalists' failure to prevent the Revolution. In order to provide answers, we must retrace our steps and examine the development of proto-Loyalist ideology and the political careers of the friends of government before the commencement of military hostilities.

Surprisingly, perhaps, historians of the Loyalists have shown little interest in the Massachusetts friends of government. Their neglect stems from their preoccupation with broad, comprehensive analyses of a wide range of topics - social, economic, political, military and religious - relating specifically to the Loyalists and applied to the American Loyalists in general.² The study of the Massachusetts Loyalists has formed an integral part of this approach, and the Loyalists of this colony have been well documented. However, none of the studies currently available to scholars provide a thorough explanation of the pre-war activities of the Loyalists and their associates.³

Students of Loyalist ideology have examined the views and careers of prominent friends of government and Loyalists such as Thomas Hutchinson and Jonathan Sewall of Massachusetts.⁴ The most recent scholar of Loyalist ideology, Janice Potter, has laid the foundations for further research relating, in particular, to the Loyalists of those colonies that were the focus of her attention - Massachusetts and New York. Potter concluded that the Loyalists' conservatism acted as a counter-revolutionary ideology.⁵ But like previous historians, Potter failed to study adequately the development of Loyalist ideology in conjunction with the pre-war political activities of the Loyalists.⁶ Moreover, she confined her research primarily to the works and views of political pamphleteers and essayists, and made no attempt to consider whether their opinions were representative of rank-and-file Loyalists who were, for example, merchants, shopkeepers, professional men and yeoman farmers.⁷ (In contrast, historians of revolutionary ideology have studied their subject within a much broader social-political context.⁸)

Historians primarily concerned with the Whigs' and Patriots' roles in the Revolution have drawn attention to the friends of government, particularly those of New York.⁹ But those whose works are concerned with the Revolution in Massachusetts only briefly discuss the friends of government and the Loyalists.¹⁰

It would be quite untrue to say that the friends of government and the Loyalists have been ignored by American historians - except in one respect. Their political ideology was inherently conservative, yet there has been little in the works of scholars concerned with the antecedents of American conservatism to suggest that the friends of government or the Loyalists had made a significant contribution to their subject. Above all, they have studied the relevance of eighteenth-century British conservatism to modern American conservatism and looked to/

to the thoughts and writings of an Irishman, Edmund Burke, before they considered the views of an astute native son such as Thomas Hutchinson.¹¹ Those who searched for Americans to compare with Burke unearthed Patriots like Alexander Hamilton, whose politics became more conservative during the 1780s and 1790s.¹² Curiously, since the 1950s, if not earlier, the Loyalists have never been an attractive subject for the attention of American conservatives either. Perhaps the negligence of both historians and conservatives is a result of their potentially acute embarrassment at the fact that the Loyalists were the "losers" and "failures" during the Revolution, or the first "Un-Americans" as one historian has suggested.¹³

Loyalism was not a mirror image of everything British, nor were its ideological principles so self-evidently American. An historian writing on this side of the Atlantic, unencumbered by the Americans' cultural baggage, may be in the advantageous position of being able to perceive one genesis of American conservatism in the responses of the friends of government to the revolutionary movement.

It is hoped, then, that this dissertation will in some measure redress a pervasive bias in the writings on the history of the American Revolution by American historians, as well provide a more accurate analysis of the Loyalists' failure to halt the revolutionary movement. It raises and attempts to answer various questions which have been inadequately treated by historians. Did a community of feeling based on a common ideology and political purpose develop among the friends of government? Did their proto-Loyalist ideology cut across political and social boundaries? or, did it reinforce them? Could the last royal governors of Massachusetts, Francis Bernard, Thomas Hutchinson and General Thomas Gage, depend upon the political support of men who were ideologically committed^t opponents of the Whig protest movement? Answers to these questions may/

may provide the solution to the problems of why so few friends of government became Loyalists and why the Loyalists were unable to defeat the Patriots.

In search of the answers, I have given preference to the public and private thoughts of rank-and-file friends of government such as Nathaniel Coffin, a customs officer from Boston.¹⁴ The rank-and-file must be allowed to speak for themselves so fully that there can be no suspicion of merely strengthening a preconceived theory with the aid of a few well chosen quotations. (Ironically, the correspondence of senior government officials proved to be one of the most valuable type of sources for assessing the political behaviour of the friends of government.)

This dissertation demonstrates that the failure of the Loyalists was a direct result of the inability of the friends of government to curb the political power of the Whigs, 1765-1775.

Chapter One introduces aspects of the Whig protest movement against which the friends of government reacted. It considers, in particular, the rise of anti-Tory sentiment in the province, which involved the extra-legal intimidation of political and ideological opponents of the Whigs and government officials who attempted to execute unpopular acts of Parliament. It was, in essence, an attempt to impose an orthodoxy of opinion upon the protest movement and the people of Massachusetts in general.¹⁵ Ultimately, anti-Toryism contributed to the political demise of the friends of government and undermined the Loyalists' efforts to mount effective resistance against the Patriots in 1775-1776. The chapter also discusses the view of senior government officials that the Whigs' resistance to British colonial policies was irrevocably weakening the power of the provincial government to enforce acts of Parliament and maintain imperial authority.

Chapter Two shows that from the time of the Stamp Act Crisis of 1765-1766 conservative friends of government underwent a process of ideological self-discovery or self-realisation that led them to denounce the aims and ideals of the Whig protest movement. The Tories perceived a cause and effect relationship between the struggle over imperial issues and the beginning of what they believed was a social and political revolution, the like of which had threatened to turn upside down English society during the Civil Wars of the 1640s. Their counter-revolutionary ideology reinforced traditional, authoritarian and deferential political attitudes and ideas. At the same time, however, they were critical of Great Britain for precipitating the crisis of authority and, as they maintained, doing little to solve it. Their criticism was always guarded and rarely made in public. Later chapters will show in greater detail that dissident moderate Whigs also came to acknowledge the undesirability of political and social reformation. They too resented the political conformity demanded by the Whig leaders.

Chapters Three through Nine study the political behaviour of the friends of government and their relationship with Governors Bernard and Hutchinson between 1765 and 1774 in the House of Representatives, the Council and the town meetings. They reveal that the friends of government did not attract enough support from moderate Whigs and non-aligned persons to be able to end the political dominance of the Whig party and its radical leaders. The friends of government did not function as a court party, for they rarely took collective action in response to the leadership offered by Francis Bernard and Thomas Hutchinson. It was largely through their own efforts that the friends of government organised the opposition to the non-importation agreements in 1770 and brought about their defeat.¹⁶ Bernard's successor, Hutchinson, was also unsuccessful in his attempts to build and lead a Tory-moderate coalition in the General Court.

Chapter Ten concentrates upon the activities of the friends of government during 1774, when they undertook their most concerted attack on the Whigs. Their goal was to win for themselves the opportunity of mediating in the dispute between Britain and the colonies over the Boston Tea Party and the introduction of the Coercive Acts. Their failure, however, left the Whigs in a commanding and unassailable position to continue and extend their policy of resistance to Britain.

The collapse of the authority of the provincial government outside of Boston in the autumn of 1774 left the Whigs a free hand to proscribe all friends of government, government officials and would-be Loyalists who refused to submit to their authority. Chapters Eleven and Twelve trace the part played by the friends of government in the Loyalist "movement" following the collapse of the provincial government. Loyalty to Britain in 1775 and 1776 was synonymous with a faith in the righteousness of counter-revolutionary activity. But only half the friends of government became Loyalists, for they had been left ^{Si}dillu_Asioned and dispirited by anti-Toryism, their political defeats at the hands of the Whigs and the apparent reluctance of Britain to implement measures for their relief. The proscription of loyal friends of government and the withdrawal of the British from Boston in 1776 discouraged Loyalist sympathizers from declaring their allegiance to Britain to the extent that counter-revolutionary activity in Massachusetts for the duration of the war was minimal. Only in Boston in 1774-1776 did a popular-based counter-revolutionary party exist.

In the end, we must conclude that a Loyalist movement in Massachusetts could never have emerged because the political basis for such a movement had never fully developed between 1765 and 1775. The failure of the Loyalists has its roots in the political behaviour of the friends of government. Thus, in trying to understand the predicament of the friends of government we may be able to perceive how revolutionary the American Revolution was for the Loyalists.

CHAPTER ONE: THE WHIG PROTEST MOVEMENT, ANTI-TORYISM AND THEIR EFFECTS ON THE PROVINCIAL GOVERNMENT, 1765-1770.

The purpose of this synoptic chapter is to describe aspects of the Whig protest movement against Britain that were of prime significance to the friends of government, their ideology and political behaviour.

The Whig protest movement grew largely in response to the introduction of the Revenue Act in 1764 (also known as the Sugar Act) and the Stamp Act in 1765 by the administration of George Grenville. In 1766, after much opposition from the colonists and pro-American sympathizers in Britain, as well as from some British mercantile and manufacturing interests, the Stamp Act was repealed and the Revenue Act substantially modified by the Rockingham administration. But the Whigs continued to protest at the reforms brought in by succeeding British governments, including the Townshend Acts. The protest movement was composed of interest groups, classes and institutions who questioned the propriety of British policies and analysed their effects on the political and constitutional rights of Americans within the empire. In their struggle to overturn the reforms, the Whigs could count on the support of the General Court, the towns, the merchants' organisations, the Boston newspapers, Whigs in other colonies and people from virtually every rank in society; initially they were aided by/

by senior government officials.

But the Stamp Act Riots in Boston in August, 1765 and the sporadic outbursts of popular violence during the 1760s that accompanied the formal legal protests raised other questions concerned with the prospect of civil and social disorder in the province, and compelled the friends of government to challenge the radical Whig leadership over its strategy of resistance. On the whole, they placed their faith in peaceable opposition by supplications and petitions as being the most likely means to secure a redress of grievances. One important aspect of the protests, however, was the radicals' attempt to turn public opinion against those who advocated obedience and submission to British authority. At first, their anger was directed at government officials whose duty it was to enforce the unpopular measures. They were arraigned as "Tories" and "enemies" to their country, or, in other words, as collaborators with an oppressive, foreign power. Soon, the radicals denigrated as "Tories" friends of government in the General Court, merchants in the east coast commercial communities and disaffected Whigs who espoused conservative attitudes and advised against resistance. As will be shown in subsequent chapters, anti-Toryism contributed greatly to the political weakness of the friends of government in Massachusetts.

1. The Whig Protest Movement.

The most articulate and forceful criticism of the Grenvillian programme and the Townshend Acts came from the Whig pamphleteers and essayists. The Revenue Act, although it reduced the duty levied on foreign molasses imported into the colonies under an act of 1733 from 6d per gallon to 3d, aroused suspicions that/

that the Grenville ministry would attempt to introduce more far-reaching reforms. And so it did. The Stamp Duty enacted in March, 1765 was the first direct tax imposed on the colonists by Parliament.

Direct taxation, they argued, had changed the colonists' relationship with Britain. Initially, the Whigs did not deny Parliament's sovereignty in the colonies, only its authority to tax them without providing for their direct representation. They used natural rights philosophy and the Lockean contract theory of government in support of their arguments that the legislative authority of Parliament in America was established on the basis of a compact, which neither party, Parliament nor the colonists, could alter without the other's consent. The royal charters granted to the colonists in the seventeenth- and eighteenth-centuries, in particular the Massachusetts Charter of 1691, were primary sources for Whigs like John Adams who maintained that the compact had also been decreed in positive law. Whigs tended to blur distinctions between political-constitutional rights derived from common law and those derived from natural law. But their arguments were similar: a refusal to honour the colonists' right to consent to legislation providing for direct taxation was an infringement of Parliament's constitutional and contractual obligations.

Writers on both sides of the Atlantic drew up plans for constitutional reform that would have given Americans more say in the decisions that concerned them had they been adopted. But because of the great travelling distance between the colonies and London, the Massachusetts Whigs never seriously considered propositions for sending representatives to Parliament. Instead, their arguments implied or explicitly stated that the authority to levy direct taxes lay with the colonial assemblies, not Parliament.

The Townshend Acts, introduced by the Chatham-Grafton administration in 1767, however, laid taxes on articles of trade (painter's colours, tea, paper, glass), and thus, according to the Whigs' own reasoning of 1765-1766, were admissible. But the Whigs objected to the fact that the underlying purpose of the Duties was to raise a revenue for an expanded colonial civil list. This too, they claimed, was unconstitutional: if allowed it would set another precedent whereby Americans could be deprived of their property without their consent. The Duties were partially repealed by the government of Lord North in 1770.

Interpretations of the colonists' rights became more radical in the 1770s. Following the introduction of the Coercive Acts in 1774, which among other things closed Boston harbour and abridged the Massachusetts Charter, the Whigs questioned outright the supremacy of Parliament in the colonies.¹

The Whigs' attention was also drawn to the wider economic consequences of the reforms. They complained often that much-needed specie would be drained from the colonies to fill coffers in Britain. Such arguments were not without foundation. The Stamp Act was introduced at a most inopportune moment, when the Bay colony was in the midst of an economic depression as a result of its exertions in the mid-century wars with France. Massachusetts's financial contribution to the imperial war effort had exceeded that of any other colony, at the cost of £818,000. Britain reimbursed over £350,000, but the province had had to raise the rest. Consequently, the government of the colony increased provincial taxes to unprecedented levels. In 1765, the people of Massachusetts were paying £197,000 in provincial taxes - the highest amount ever. Taxes never dropped below £100,000 per year until 1769, and the debt was not liquidated until 1773.² As a result of their contributions, Americans in general and New Englanders in particular, nurtured/

nurtured increasing expectations of the rewards to be had from the empire. But for many, the Revenue Act and Stamp Act left a legacy of discontent with Britain's imperial policies.

The burden of taxation fell heaviest on the colony's traders. During the eighteenth century, Boston had become the hub of a trading network which included the ports of eastern New England and extended out to the British Isles, Southern Europe, Africa and the West Indies; along the Atlantic seaboard from Nova Scotia to Georgia, and inward to the rural hinterland of New England. By the 1760s, trade with Great Britain was the major concern of most Massachusetts merchants. More than ever before, their prosperity was intertwined with the fate of the trans-Atlantic commercial economy and decisions taken in Whitehall.³ The balance of trade, however, was singularly in Britain's favour. The Navigations Acts and the mercantilist system excluded colonial merchants from attractive Northern European markets and hindered the growth of native manufacturing industries. Paradoxically, the high influx of British goods and capital during the French and Indian War made Americans more aware of the deficiencies of this arrangement.⁴ Many circumvented the acts of trade by smuggling.⁵

Constructive opposition from the merchants materialised after the Grenville administration made the decision to press for a renewal of the Molasses Act of 1733. In the "State of Trade" of 1763, the Boston merchants delivered a stinging rebuke of the government's proposal. Their condemnation of the 3d duty levied under the Revenue Act was loud and vocal. Although the duty on molasses was reduced to 1d per gallon when the act was revised in 1766, the merchants protested at the extension of the duty to cover imports not only of foreign molasses, but of molasses from British colonies and territories. They also complained of the multiplicity of bonds required by ships' captains and the long list of enumerated commodities monopolized/

monopolized by Britain that were not repealed by the Rockingham ministry.⁶ Over one hundred and forty Boston merchants formed the Boston Society for Encouraging Trade and Commerce (BSETC). This body made the decisions concerning the merchants' political action until the late 1760s. In December, 1765, two hundred and fifty merchants and shopkeepers (about three-quarters of the traders then operating in Boston) subscribed to an agreement not to import British goods until the Stamp Act and Revenue Act were repealed. The merchants of Salem, Marblehead and Plymouth entered into similar agreements. A boycott of British goods and an embargo on trade were again the favoured responses to the introduction of the Townshend Duties and the appointment of a Board of Customs Commissioners at Boston in 1767.⁷

The arguments of the Whig leaders and merchants were repeated in the petitions of the Massachusetts legislature that were sent to the King and Parliament. In 1764-1765, the assemblies of Massachusetts and seven other colonies sent to Parliament their objections to the prospective Stamp Duty and to the provisions of the Revenue Act. However, not one of these petitions was ever read in the House of Commons.⁸ The House of Representatives took the initiative when, in June, 1765, it proposed that each colony send a delegation to a congress at New York (which was to meet in the first week of October), and there concert plans for obtaining a repeal of the Stamp Act and Revenue Act. Again, in 1768, the House led the way for the colonies when it issued a circular letter to the speakers of the other assemblies calling for united opposition to the Townshend Acts.⁹

Senior government officials shared some of the popular apprehensions about Grenville's reforms. Governor Francis Bernard/

Bernard predicted that the retention of the duty on molasses could reduce by one quarter the quantity of imports into the colony. It was not "an idle or groundless fear, which makes...people dread the consequences of continuing & enforcing this Act."¹⁰ In November 1764, he sent a long letter to the Earl of Halifax, Secretary of State in Grenville's administration, in which he itemised his objections to the Revenue Act as it related to the impact on commerce, the trial of offenders in the juryless admiralty courts and the possible reactions of the colonists.¹¹ Lieutenant-Governor Thomas Hutchinson dispatched to Grenville's private secretary, Richard Jackson M.P., a similar list of complaints, although like Bernard he never questioned Parliament's sovereign authority to tax the colonists. Neither Bernard nor Hutchinson welcomed the Stamp Act and were relieved when it was repealed.¹² Secretary of State for Massachusetts, Andrew Oliver, was urged by William Bollan, the former agent for the province, to do all he could to oppose the passage of the Stamp Act. Oliver took heed, and, describing it as a "public misfortune", wrote to his friends in England exhorting them to work for its defeat. Oliver once claimed that he had done "more to prevent this measure...than any other Man".¹³ Nevertheless, when the act had passed Parliament he accepted Grenville's offer of the post of Stamp Distributor for Massachusetts.

The reaction of senior officials to the introduction of the Townshend Duties was very different. Bernard supported Townshend's proposals for using the revenue from the Duties to pay the salaries of government officers in the colonies. Bernard, Hutchinson and Oliver were adamant that if Parliament was disposed to repealing the Townshend Acts then it should not abrogate its legislative supremacy by conceding to the colonists' demand of self-taxation.¹⁴ Apart from the inherent value of Townshend's proposals, what changed their minds/

minds on the expediency of parliamentary taxation was the Whigs' refusal to submit to the implementation of the Stamp Act. In their opinion, resistance to the Stamp Act had weakened the authority and power of the provincial government to execute acts of Parliament.

Six weeks before the Stamp Act Congress was due to meet at New York, the protest movement in Massachusetts took a new, violent turn in direction. On the morning of August 14, following rumours that the stamps had arrived in Boston, an effigy of Distributor Oliver was found hanging from a tree on the crossroads between Essex and Orange Streets in the South End. (It was renamed "Liberty Tree", see Map 1.) A card had been placed around the neck of the figure and carried this inscription:

Fair Freedom's glorious Cause I meanly Quitted,
Betrayed my Country for the Sake of Pelf,
But ah! at length the Devil hath me outwitted,
Instead of stamping others have hanged my Self.

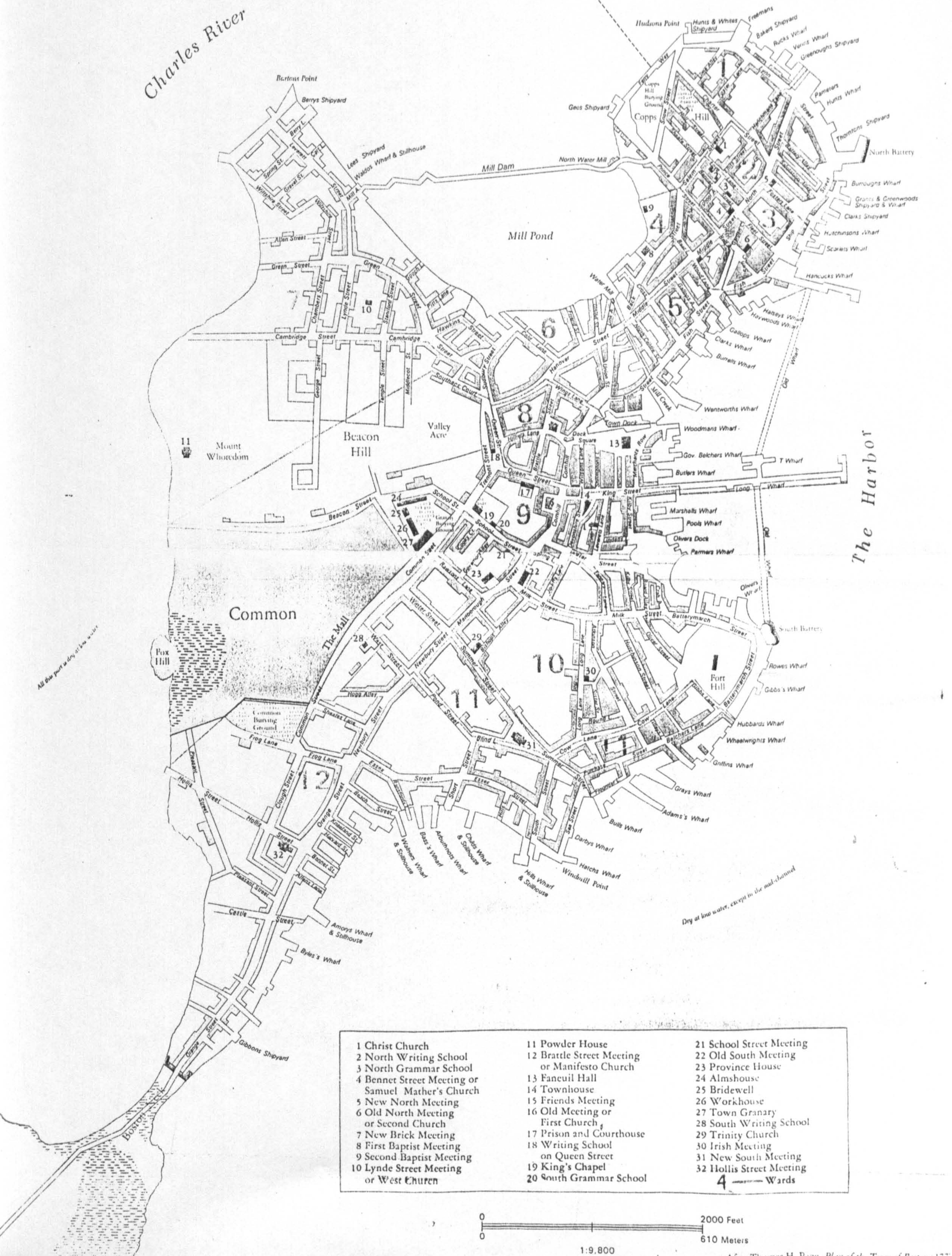
(Emphasis mine: in the eighteenth-century suicides were often buried at crossroads.) Henceforth, Oliver was to be regarded as a "traitor" for accepting the Distributor's commission.

A mob gathered to prevent Sheriff Stephen Greenleaf from removing the effigy. Later in the day, a mob led by Ebenezer McIntosh, a cordwainer, marched to Oliver's store in Kilby Street where they believed the stamps were being kept. They demolished the building in under half-an-hour. In the evening, the mob broke into Oliver's mansion house and destroyed his garden, furniture and other valuables. Oliver resigned his commission the next day. (On December 17, he was required to make a public resignation before a crowd of several thousand assembled at the Liberty Tree.)

MAP 1.

Charlestown

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On the evening of August 26, the mobs acted once more, and with even greater ferocity, against the property of government officials whom they supposed would enforce the Stamp Act. They systematically looted the house of Thomas Hutchinson (in the process destroying his treasured library) and besieged those of William Story, Deputy Register of the Court of Vice-Admiralty, and Benjamin Hallowell, Comptroller of Customs for Boston.¹⁵ That night, recalled Hutchinson, the whole town was "under the awe" of the mobs "with field officers of the militia, standing by as spectators; and no body, daring to oppose or contradict [them]."¹⁶ Hutchinson estimated that the damage done to his property was worth over £3,000; Hallowell's losses were in excess of £2,000.¹⁷

That morning, fearing that the fury of the mobs might be vented on him, Story had issued a hurriedly prepared statement that he had nothing to do with the decision to introduce the Stamp Act. Thomas Hutchinson gave a similar denial in court the following day. Benjamin Hallowell, like Hutchinson and Oliver, had also protested at the Revenue Act and Stamp Act, although he too was obliged to try and implement them in the course of his duties.¹⁸

Riots and demonstrations against the Stamp Act were not confined to Boston. They occurred in Salem, Marblehead, Newbury, Scituate, Plymouth, Maine and Berkshire County. None, however, were so violent and destructive as those in the province capital. Also, mobs precipitated the resignations of Stamp Distributors in every colony except Georgia.¹⁹ Like Andrew Oliver, they were labeled as "traitors" and "enemies" to their country.²⁰

The riots in Boston were anything but spontaneous.
They/

They were organised by the Loyal Nine, a committee of Whig artisans and shopkeepers closely associated with Samuel Adams and the party "caucuses".²¹ One of their members was "not a little pleased to hear that McIntosh has the Credit of the Whole Affair."²²

The mobs themselves were responsive to the Whig leadership. They consisted of people drawn mainly from the lower and middling orders. In addition, according to Governor Bernard, on August 14 their numbers were boosted by around fifty gentlemen disguised as tradesmen.²³ The presence of gentlemen and merchants gave the actions of the mob a respectability which they otherwise would not have had. The mobs acted with the authority of a "posse comitatus". Historian Dirk Hoerder has shown that "crowd action" was a traditional form of social and political protest in Massachusetts. Boston's Pope's Day celebrations of November 5, land riots, smallpox riots and anti-impressment riots, for instance, were rarely perceived as being anti-imperial or as a threat to the established social order; rather, they were extra-institutional in character and usually occurred when the normal processes of redress were temporarily non-functional. In other words, riots supplemented but did not supplant other forms of political action.²⁴ Thus, according to William Pencak, when the Whigs and the Loyal Nine realised that the petitions of the colonial assemblies and the entreaties of individuals had been ineffective in defeating the Stamp Act, they transformed the mobs "from a sporadic non-political force into a quasi institutionalized instrument of the popular party."²⁵ Henceforward, the mobs were to occupy a central role in the political strategy of the radical Whigs and in the planning of the protest movement against Britain.

Moreover, there was an element of class conflict in the behaviour of the Boston rioters. Gary Nash has noted that those/

those from the lower orders gave "vent to years of resentment at the accumulation of wealth and power by the prerogative faction" when they gloried in the destruction of Hutchinson's house. Dirk Hoerder believed that the Whigs were "taken by surprise" at the excesses of August 26.²⁶ Never in the recent history of the British Empire had senior government officials to endure such humiliation as Hutchinson and Oliver did. But the class-based resentment of some of the rioters was not characteristic of the mobs as a whole, nor did it spread to the rest of the province. Hoerder concluded that

Whig opinion about crowd action...was essentially placed between the two poles of no crowd action because it violated deference, and the acceptance of popular direct action as the means for redress of grievances when the public good could by no other means be protected against encroachments.²⁷

In short, the objectives of the rioters and those who organised them were limited: they acted to obstruct the exercise of Parliamentary authority in a specific instance and not to undermine the structures of government and society in the colony; the actions of the mobs complemented the efforts of the Whig pamphleteers, the merchants and the General Court.

2. The Stamp Act Crisis and the Decline in the Traditional Authority of Government.

The Stamp Act Riots, however, precipitated a crisis of authority in Massachusetts, for the provincial government was quite unprepared for such intense opposition to the act. In the aftermath, it was clear to many officials that Governor Bernard/

Bernard did not have sufficient coercive power at his disposal to compel submission to British authority once the agencies of government - the General Court, customs officers and civil magistrates - had declined to assist in the execution of the act.

Bernard criticised the Grenville administration for placing him in such a predicament:

The first thing...[that ought to have been] done was to regulate support & strengthen the Governments [of the colonies]; so that their Authority might in no Way be dependent on the humours of the People. To introduce Parliamentary Taxations into America before the Establishment of a Power sufficient to enforce Obedience to them is...beginning at the wrong End. The People know at present they may chuse whether they would be taxed or not; & in such a deliberation it is easy to say what their Choice will be. Whereas it should have first been made evident to them that they had no Choice; and their Submission would have followed.... Surely it is not known in Whitehall how weak & impotent the Authority of American Governors is in regard to Popular Tumults. 28

Bernard's difficulty in executing the Stamp Act was compounded by what he saw as a conspiracy of "designing Men" (he named James Otis, the Boston representative, as the ringleader) "to tumble the Government, & bring it to the level of the very people." 29

These were not isolated opinions. Judge Peter Oliver reflected that it would have been "Much better...never to have planned it [the Stamp Act] in Idea, than to have suffered it to fail in Execution." To Henry Hulton, the Commissioner of Customs who came to Boston in 1767, "the event shewed how erroneous the measure was of attempting to raise a Revenue in a remote Country where the powers of Government were weak." 30

Bernard's response to the Stamp Act Crisis was based on/

on four main considerations: he could request the British government to send troops to enforce the Stamp Act and protect officials in the exercise of their duties; he could also ask the British to sanction the arrest of the Whig leaders who were organising the resistance; another short-term solution was for Bernard to enlist the political support of conservatives ideologically opposed to resistance to imperial authority and willing to endorse moves to implement the act; and finally, Bernard and other senior officials recommended wide ranging reforms of the structure of government in Massachusetts and the colonies that were designed to nullify the influence of the popular Whig parties.

It had proved impossible for the Justices of the Peace or Boston's town officials to contain the mobs, devoid as they were of an effective police force. On August 27, the town meeting voted its "utter detestation" of the preceding night's events (although some of the rioters would have been present), and the selectmen, militia officers and Council met to consider what extraordinary steps to take to prevent further disturbances. A volunteers guard was organised to patrol the town, and consisted of town officials, merchants, gentlemen and militia men. Volunteer guards were also formed in Marblehead, Salem and Plymouth. (Friends of government such as Samuel Curwen figured prominently among the recruits.)³¹

Bernard paid little heed to these associations. He was sceptical of the value of what he saw as the self-interested actions of "well-disposed" citizens.³² Bernard's misgivings were not ill-founded. The Boston guard proved to be an unreliable law enforcement agency. After the riot of August 26, McIntosh and a few others had been arrested, but soon released after/

after Nathaniel Coffin and a committee of gentlemen threatened to disband the guard if McIntosh was not set free. It is likely, as Dirk Hoerder has suggested, that their action was prompted by fear of reprisals from the mob.³³ Bernard agreed, though he protested that law-breakers could now "walk the Streets with impunity." According to historian John Reid, the episode demonstrated not only that imperial law was weak, but "that to enforce any law remotely associated with the political controversy" it was necessary "to accept Whig ordained conditions. No Whig rioter was again arrested in Boston."³⁴ (A few, however, were shot!)

Nor did Bernard envisage a military solution to the Crisis. When the Council rejected his suggestion that troops might be necessary to keep order, he let the matter rest. General Gage at New York could send a detachment of only one hundred troops, and Bernard was convinced that such a small, ineffective force would simply antagonise the mobs.³⁵

Instead, Bernard deployed the province militia. He requested Richard Saltonstall, Colonel of the Essex County militia, to raise a company of sixty men from that county and bring them to Boston to reinforce the garrison at Castle William in the harbour to await the arrival of the stamps. It is the first indication that Bernard perceived the existence of deep ideological divisions within the colony following the riots. Saltonstall was to take "especial Care" that the men whom he recruited should "be not tinctured by the Seditious Spirit". A crowd of three hundred local people surrounded the Colonel's house at Haverhill and demanded that he disband the company. Saltonstall refused and managed to complete the assignment. After this incident, however, the Council unanimously voted down Bernard's proposal to raise other levies for duty in Boston. The councillors, like the Boston volunteer/

eer guard, were reluctant to defy the Whigs and the mobs. ³⁶

Bernard approved the Council's recommendation of September 5 that when the stamps arrived they should be stored in Castle William out of the way of rioters. This was done on September 23. On October 2, the Board resolved that "there was no occasion to take any further measures concerning them at present." (The stamps remained in the Castle until they were reshipped to Britain.) ³⁷ The Council further advised Bernard to suspend the Boston guard and to call upon the militia alone if and when required. Bernard protested that he feared disturbances during the Pope's Day parades. Indeed, on November 4, the day before the celebrations, the commanding officer of the militia in the town reported that he could not raise enough troops to patrol the streets effectively. But the day passed off without any violent incident. ³⁸

With the stamps safely stored in the Castle, Bernard looked to the moderates and conservatives in the House and Council to support his call for the execution of the act. But he was forced to acknowledge defeat. With Oliver's resignation as Distributor, Bernard alone did not have the authority to distribute the stamps; nor did he care to hazard such an attempt. ³⁹ Unable to ^{do} business legally without stamped papers, both the courts and the custom houses remained closed. The ports were re-opened in December after mounting public pressure on Bernard, the judges and the members of the General Court. By March, 1766 all the courts were again doing business, and, like the customs houses, proceeded without the stamped papers. (For more detailed accounts see Chapter Three, pp.96-106 and Chapter Five, pp.157-160.) Thomas Hutchinson concluded that "timidity pervaded both the legislative and executive powers. Every measure which forwarded the determined design of compelling...all the officers within the province/

province to pay no regard to the stamp act, succeeded." ⁴⁰

Bernard's long term solution to the crisis of authority brought on by the riots was to reform the structure of the provincial government in such a way as to limit the power of the Whigs. He took as his model the system in Ireland - a country with a large civil list and its own parliament, but whose laws were required to be ratified by the British Parliament. For the moment, his pleas fell on deaf ears. ⁴¹

While more peaceable methods of protesting for a redress of grievances were preferred by the Whigs, the Stamp Act Riots revealed their potential for organising an alternative, violent response to an intractable government and Parliament. The crowds' logic was simple and highly effective: if the government officials were sufficiently intimidated not to distribute the stamps, then the much-hated act could not be enforced. The riots acted as a deterrent to Oliver and the others from fulfilling the obligations of their offices. The architect of the Stamp Act, George Grenville, was mistaken in his assumption that to use socially and politically prominent Americans as Distributors, such as Andrew Oliver, it would make direct taxation more acceptable to people who would know and respect the Distributor. All it did was to focus the resentment of the many on the few; which was all the more ironic because Oliver and the other victims were among the first Americans to advise against the Stamp Duty. ⁴² "All on a sudden," said Hutchinson, they were "branded with the name of tories." ⁴³

3. Anti-Toryism and the Stamp Act Crisis.

Anti-Toryism took three main forms in Massachusetts: propagandists orchestrated a campaign against senior government officials and conservatives to discourage them from executing the Stamp Act; an orthodoxy of opinion was imposed upon the protest movement to dissuade moderate Whigs from calling for submission to the execution of the act; and, as we have already seen, extra-institutional violence was employed to prevent officials from implementing the act.

As is well known, the Whigs were anxious to make a distinction between the disturbances of August 14 and 26: the latter was publicly deplored for its excesses. Bernard reported that "a Line" was to be "drawn between the first Riot & the Last." But the explanation which Bernard and historians have given for this - that the Whig leaders now feared they had lost control of the "devil" they had raised - ⁴⁴ somewhat underestimates the ability of the radicals to turn both outrages to their advantage in their crusade against government officials and "Tories".

The Whigs explained that the mobs had attacked the property of senior government officials because it was believed that their duty to enforce the Stamp Act committed ^t them to upholding a foreign authority which for the moment endangered the public interest. A contemporary diarist noted that Hutchinson, Oliver, Hallowell and Story were "supposed to be inimical to yr. Country". ⁴⁵ The plural officeholding of the Hutchinson and Oliver families made the Lieutenant-Governor and the Secretary easy targets for accusations that they were prepared to sacrifice colonial liberties over the Stamp Act in exchange for more and better rewards from the empire. John Adams, who deplored the level of violence used against Oliver's property, did, nevertheless, perceive some justification for the attack: had not/

not the engrossing of public offices by these families been "enough to excite Jealousies among the People?"⁴⁶ Another Whig proclaimed that "The RESISTANCE of that Day [August 14, 1765], roused the Spirit of America, which spread far and wide."⁴⁷ The people were determined that the revenue raised in taxes from the Stamp Act and Revenue Act should not keep "lazy fellows in ease, idleness, or luxury." They would do everything necessary to prevent a "hundred thousand hireling scribblers" and "a numerous tribe of Stamp-Officers and Task Masters" partaking of what could become an imperial feast.⁴⁸

The Boston town meeting denied any part in encouraging or organising the riots, but claimed that their occurrence merely demonstrated to what extraordinary lengths the people were prepared to go in order to defeat the Stamp Act. While the measure was "universally opposed" in the colony, Massachusetts still entertained "the most zealous attachment to his Majesty's person and government." In a veiled attack on Hutchinson and Bernard, the Bostonians complained that "Enemys have endeavoured to represent [this] as a paradox, and from an uneasiness...of its [the Stamp Act] being unconstitutional...would infer a settled design to bring the whole authority of parliament into contempt."⁴⁹

Bernard Bailyn in the Ideological Origins of the American Revolution maintained that one causal factor of the Revolution was the Whigs' perception of a conspiracy involving prominent colonial officials such as Thomas Hutchinson with the members of the British government to undermine the rights and liberties of Americans. The conspiracy theory was developed by Whig propagandists who found a speculative interest in the writings of John Locke and the Real Whigs of the Commonwealth tradition. Earlier in the century, the Real Whigs had warned Britons of a Tory-Jacobite plot to overthrow the limited monarchy established by/

by the Glorious Revolution of 1688-1689 and restore the Stuarts. This libertarian tradition gave pre-eminence to the concept that society was a commonwealth of interests and individuals, and was dependent upon the "virtue" and commitment of people to maintain it: citizens could not be passive or disinterested spectators to the conspiracies that were afoot or the commonwealth would degenerate into vice, corruption and tyranny. ⁵⁰

But in Massachusetts at least, the hot-bed of radical anti-Toryism, not only were prominent officials arraigned as "Tories". As will be shown in greater detail in later chapters, minor government officials, members of the General Court and merchants who broke the non-importation agreements were also to suffer the opprobrium of being labeled as collaborators. One Whig identified "four sorts" of "Tories": officers of the revenue, "poor indigent creatures that are seeking little places or pensions from G[overnmen]t", smugglers (although in fact most smugglers were Whigs) and "high jacobites". ⁵¹ The Boston town meeting railed against a "multitude of Placemen and Pensioners, and an enormous train of Underlings and Dependants" that a large civil list would bring. To "Hyperion", Tories such as these were the "accursed betrayers of their native soil ." They "snuff with joy the tainted gale...[S]ee them even now devouring in imagination, the vitals of their country, and anticipate the riotous feast they expect shortly to make upon the blood and trespure of their fellow-citizens." ⁵²

Whigs argued that the Tories and all who preached submission to British authority over the Stamp Act and Townshend Duties stood outwith the mainstream of political and ideological opinions. To Sam Adams, they were the conspirators against the trans-Atlantic unity of interests created by the Pennsylvania Farmer (John Dickinson), the colonial assemblies and the friends of/

of America in Britain. James Otis characterised the Tories as the pariahs of colonial society: they were the Jews, Jesuits and Jacobites - "low, dirty, rascally, artful, and designing Dogs." While Americans were "claiming a Right of exemption from taxation by foreigners", said "Crito", the Tories were defending the principle of taxation by foreigners.⁵³

The attack on the Tories formed part of the conspiracy theory, and was utilised to discourage the spread of dissenting ideological and political opinions within the protest movement and province in general. Steeped in the Commonwealth tradition, the Whigs regarded "the people" as being a "unitary, property-holding, homogeneous body". Thus, according to historian Gordon S. Wood, "few found it necessary or even intelligible to work out any theoretical defense of minority rights against the collective power of the people."⁵⁴ When fused, in an ideological sense, with the strong communitarian ethos of Massachusetts's Puritan traditions, the radical libertarianism of the Whig leaders became a forceful, intimidating political ideology. Stephen Patterson has observed that the Whig leaders "paid lip-service to individual differences of opinion" and asserted that "the end result must be a uniform acceptance of what was best for all whether or not it was thought best by an individual."⁵⁵ The Whigs, noted another historian, firmly believed in the "coercive power of common attitudes and expectations."⁵⁶ The Whig propagandists stressed above all the need to preserve the unity of a heterogeneous political movement if they were to have any success at all.⁵⁷

Whig writers employed a compelling libertarian imagery⁵⁸ to illustrate the situation which Americans were now facing. They resurrected the moral fervour of English religious and political dissenting traditions as "John Hampden" (James/

(James Otis), "The Earl of Clarendon" (John Adams) and "Algernon Sidney" (identity unknown).⁵⁹

Comparisons too were made with the Irish, both Catholic and Protestant, in their struggles against the English.⁶⁰

In the Dissertation on the Canon and Feudal Law and the "Governor Winthrop" letters, John Adams returned to Massachusetts's past for analogies with which to inspire the colonists. He re-told the oft-heard stories of how a century and a half before their Puritan ancestors had striven to preserve their liberties in a hostile wilderness, liberties which the British government and its American abettors were now trying to subvert.⁶¹

Biblical and classical analogies were also used as examples of how easily the common weal could be destroyed by conspirators and oppressors.⁶²

It was ironic then, but no paradox, that the radicals themselves became persecutors.

Within the call for unity and commitment there was a strong tendency toward ideological coercion. Radical Whigs were determined to eliminate or at least neutralise dissenting attitudes which could threaten the well-being of the protest movement and their position as leaders. According to the Boston shopkeeper Harbottle Dorr, the "First Spirited Piece" published in the newspapers against the Stamp Act was one which denounced disinterested attitudes. Passive spectators were like "passengers" on a ship that was sinking who "think that they would not be drown'd after the ship sinks."⁶³

The whole pageantry and iconography of protest that was displayed during the Stamp Act Crisis - riots, effigies, parades, celebratory dinners, Liberty Trees, political cartoons, pamphlets and essays - maximised the levels of popular participation and conformity.⁶⁴

In part, anti-Toryism was a continuation of the conflicts between majority and minority groups that had littered New England's checkered history (such as between the Congregationalists and the Quakers, or the persecutions of the Salem Witch Trials). From another perspective, it recalled the intolerance shown toward Roman Catholics in Britain and the colonies during the seventeenth-century. Yet, as will be seen later, in a more modern context, the effectiveness with which the radical Whigs were able to subdue their political opponents can be compared to the success of the Jacobins during the early stages of the French Revolution.

4. The Continuing Crisis, 1767-1770

Throughout the winter of 1765-1766, Governor Bernard received reports from Britain indicating that the riots, resistance and anti-Toryism of the Whigs were endangering the possibility of Parliament repealing the Stamp Act.⁶⁵ He tried to impress this opinion upon the colonists, but met with little success. It was with great relief, however, that Bernard and the rest of the province learned on May 16, 1766 that the act had been repealed by the Rockingham administration. (Grenville's government had been replaced by that of the Duke of Cumberland in June, 1765. Rockingham had become the leader of the administration when Cumberland died in November.) The repeal was accompanied by the Declaratory Act, which asserted that Parliament was the sovereign legislative authority in the colonies and could pass laws respecting any sphere of business. As has already been mentioned (p.19), the Rockingham Whigs also revised the Revenue Act. However, Bernard warned that by overturning the Grenvillian programme, the British government "will not reestablish the Authority of Government" in Massachusetts. Americans "see the Weakness" of the Rockingham ministry stemming from/

from their desire to placate them. The "internal Divisions" in Britain had not helped Bernard's cause either. Many eminent statesmen, including William Pitt, the Earl of Chatham, had spoken on behalf of the Whigs. In the future, Bernard concluded, the Whigs would not think twice about rejecting unpalatable acts of Parliament.⁶⁶ As Bernard feared, the crisis of authority in Massachusetts did not end with the repeal of the Stamp Act, and continued as a result of the introduction of the Townshend Duties in 1767. Rockingham's government fell in July, 1766 to be replaced by that of the Earl of Chatham with the Duke of Grafton as the effective head. Chatham took ill in March, 1767, and Charles Townshend, the Chancellor of the Exchequer, emerged as the most dynamic figure in the cabinet, until he too became ill and died in September. The Townshend Acts came into operation in November, at the same time that the Board of Customs Commissioners took up their posts in Boston.

Bernard thought that Townshend's scheme of using the revenue from the Duties to pay the salaries of provincial officers was "striking at the Root of the American Disorder."⁶⁷ If the civil list could be extended, he reasoned, it would increase the numbers of those willing to support the provincial government. The political and ideological divisions in Massachusetts and the colonies made the use of "punishments & Rewards" more necessary.⁶⁸ It "would afford the King [the] means to distinguish the Friends of Government & give greater Encouragement to People to desire to be reckoned of that Number."⁶⁹ (At first, only Thomas Hutchinson received a grant - not a salary - of £200 for his services as Chief Justice in 1768. In 1771-1772, an act was passed to award Crown salaries to the Governor, Lieutenant-Governor, Justices of the Superior Court and the senior law officers.)⁷⁰

Bernard clearly regarded the friends of government as indispensable political assets in his attempts to restore the traditional authority and power of the provincial government. What is more, as we can see from his correspondence with Britain, he continually projected the activities, politics, ideology and aspirations of the friends of government and government officials into the arena of imperial decision making. The less Britain, that is to say the Grafton administration and Parliament, appeared inclined to pursue a vigorous, hawkish, reformist American policy along the lines suggested by Bernard in 1765-1766, the more he used the plight and dilemma of the friends of government to encourage the ministry to adopt such measures.

In the spring of 1767, he informed Richard Jackson that the British government should make "some public act of disapprobation of the Opposition to the Governm[en]^t. here & approbation of the Supporters of it." He reported to the Secretary of State with charge of colonial affairs in the Grafton administration, the Earl of Shelburne, that "The Friends of Government...exult upon the Prospect of the Authority of Government being restored and the Independency of its Administration being established." ⁷¹

Bernard's concern for the fate of the friends of government reflected the situation in Massachusetts where anti-Tory propaganda was being directed at members of the General Court and mobs were being turned against customs officials. Bernard and Hutchinson relayed this information to Whitehall and their friends in Britain.

The Commissioners of Customs arrived in Boston on Pope's Day, 1767 to a rude reception. Mobs paraded through the streets/

streets carrying effigies of the Commissioners and signs proclaiming "Liberty & Property & no Commissioners". The Whigs wrongly claimed that the Commissioners were responsible for the introduction of the Townshend Acts - as they had said of Oliver and Hutchinson over the Stamp Act. Hutchinson sympathised with the Commissioners' plight: the people had "absurdly connected" the Duties and the Board, for both took effect in November. ⁷²

One indication of the association made between Toryism and collaborating activities is the fact that at first the Whigs' abuse was directed at the two Commissioners who were well known in the colony and already much disliked: Charles Paxton and John Robinson. Robinson had been caught up in a notorious dispute with smugglers when he was a collector in Rhode Island, 1763-1764. The Boston-born Paxton had been at the centre of the Benjamin Barrons controversy of 1760-1761, which led to the famous Writs of Assistance case. ⁷³ According to one observer, the "inveteracy is inconceivable... against those in office who are Americans". By accepting appointments as Commissioners, they were held to be "acting against their Country." ⁷⁴ The Whigs were convinced that when the "fawning, cringing, perfidious" Paxton had gone to London in 1766, he had encouraged Charles Townshend to tax Americans. ⁷⁵ For a while, William Burch and Henry Hulton were the "most favourably treated of any of the... Commiss[ione]^{rs} as it is said they came here as Strangers to the Country". ⁷⁶ Neither Burch nor Hulton had been to the American colonies before, and Hulton disapproved of Townshend's scheme. ⁷⁷

The attitudes of the other Commissioner, John Temple, set him apart. Temple was the cousin of George Grenville, but also the son-in-law of the Boston Whig James Bowdoin. According to Henry Hulton, Temple resented the abolition of his office of Surveyor-General for the Northern District: "He thought/

thought himself reduced by being appointed a Commissioner." He took a drop in salary and was required to work closely with his erstwhile enemies, Bernard and Paxton (who had sided against Temple in a dispute over the dismissal of a collector in 1764.). Temple nurtured an "inveterate hatred" of Bernard,⁷⁸ and soon alienated Hulton and the others by his behaviour. Temple and his colleagues maintained a "distant Civility".⁷⁹

The Whigs were assiduous in cultivating the differences between Temple and other senior officials. They avoided publishing any libellous or scurrilous articles about him, partly because he was a valuable source of information. Temple pressed the Secretary to the Customs Board, Samuel Venner, into releasing information damaging to the provincial government. A rumour was circulated that the Commissioners had sent letters to the Lords of the Treasury representing Jonathan Sewall, the Advocate-General (and later Attorney-General), "as a person very unfit" for office. Sewall was indignant, and felt strongly enough about the matter to be prepared to challenge the Commissioners publicly against the wishes of Bernard and Hutchinson. The differences between Sewall and the Commissioners were resolved, but not without a great deal of acrimony.⁸⁰ After only one year in office, Temple complained to Grenville that he was "without the least weight or influence" on the Board.⁸¹ By the spring of 1769, there was speculation that Temple was the author of newspaper articles attacking the Commissioners. The following year, he was recalled to Britain and eventually replaced by Benjamin Hallowell.⁸²

The Whigs refined their treatment of collaborators when they ostracised the four Tory Commissioners from Boston's social occasions. It was customary for the selectmen and gentry of the town to organise events and dinners in honour of/

of visiting dignatories. Those for the Commssioners were poorly attended. "All of the Council and all men of large estates" stayed away. John Temple also avoided any event at which Paxton and Bernard were likely to be present. The Whigs claimed that the "mushroom gentry" - the Hutchinsons, Olivers and their friends - were the only townspeople who regularly attended.⁸³ Once, the town meeting refused to allow Faneuil Hall to be used for a public dinner because the Commssioners' names were on the invitation list. Hutchinson reflected that Bostonians were "generally very civil in entertaining strangers which makes this neglect more conspicuous."⁸⁴

Instead, the Commissioners organised their own "brilliant assembly", which was partly intended "to wear of the prejudice of the people & to cultivate their Acquaintance."⁸⁵ However, it had the opposite effect and increased hostility toward them. Whig propagandists contrasted the lavish life-style of the Commissioners with that of Boston's lower orders. On one occasion, John Robinson sported a splendid suit of crimson velvet which had "cost a sum that would have been a full support to some one of the families that are almost reduced to poverty." The Commissioners affected to "mimic" the "high life" of the English aristocracy by "rolling from house to house in their chariots" and receiving guests at one o' clock in the morning. Thomas Hutchinson noted that "there was a...hauteur in all their behaviour which Americans had never been used to."⁸⁶ Robinson's infamous attack upon James Otis at the British Coffee House on September 6, 1769 can be explained as the result or release of one man's anxieties and frustrations at being treated as a collaborator and traitor.⁸⁷

Mobs also intimidated the Commissioners and their assistants. Henry Hulton recalled that in March 1768

a number of people armed with Clubs assembled about the houses of some of the Commissioners, blowing horns beating drums and making hideous noises so that the families quitted their houses expecting the mob wou'd proceed to violence. 88

Thomas Hutchinson observed that on the 18th, the anniversary of the repeal of the Stamp Act, the populace never looked "more sowe and discontented".⁸⁹ The "least hint from their Leaders would encourage them to any degree of violence."⁹⁰ That day, a crowd of eight hundred angry people confronted Inspector-General of Customs John Williams. Fortunately, according to eye-witness John Rowe, they did him "no damage - which the greatest part of the Gentlemen in the Town were very glad of."⁹¹

Wills Hill, the Earl of Hillsborough, who was appointed to the new office of American Secretary early in the year, taking over responsibility for colonial affairs from Shelburne, was inundated with reports concerning this latest outbreak of violence and its effect on government officials and the friends of government. The open manner in which the Whigs flouted the law and the authority of Parliament "with a Contempt... allmost treasonable...caused a great Despondency among the Friends of Government."⁹²

But the disturbances continued. On June 10, a riot broke out after customs officers seized John Hancock's sloop Liberty for infringements of the acts of trade and had it towed out from his wharf and moored alongside the HMS Romney. (The captain of the Romney had already infuriated the townspeople by sending press gangs ashore.) Despite the opposition of "Several principle Gentlemen", the mob proceeded to smash the windows in the houses of the customs officers who had been involved in the seizure (Benjamin Hallowell, Richard Harrison and John Williams.). Harrison and Inspector-General/

General Thomas Irving were beaten up, and a boat from the customs house was ceremonially burnt at ^{the} Liberty Tree. The Liberty Riot prompted the four Tory Commissioners to flee to the Romney and thence to Castle William. They did not return to Boston until November. ⁹³

Once again, senior officials insisted that the province was on the verge of rebellion and social conflict. They viewed the rise of the protest movement and its effects principally within the context of a problem of law enforcement. There was a common theme in their letters and thoughts: resistance to the authority of Parliament was productive of civil disorder that threatened to undermine the traditional authority of the provincial government and weaken the social structure. Whether these perceptions and assumptions were accurate and justifiable is a matter of debate for historians, as it was for contemporaries. The Whigs certainly disagreed with Bernard and the Customs Commissioners, for they could see no a priori connection between their protests and an incipient revolution. But as John Reid has commented, on both sides of the divide, "Facts were not the probative consideration, impressions created by facts were." ⁹⁴

"All real Power is in the hands of the lowest Class; Civil Authority can do nothing but what they will allow", wrote Bernard on July 2. ⁹⁵ After the Liberty Riot, Hutchinson reflected that "mobs a sort of them at least are constitutional", although Americans had "reason enough to fear [them]", because it was their "misfortune that the authority of government is so weak that we are not able to check them when they rise but are forced to leave them to their natural course." Henry Hulton's sister echoed these sentiments: American mobs were "very different" from those in England where the magistrates were usually able to restrain them, because they "act from principle" /

principle" and there is "no person daring or willing to suppress their Outrages, or to punish, the most notorious Offenders for any Crimes whatever." 96

Senior government officials urged the Grafton administration to take punitive measures against the Whigs, both to restore the power and authority of the government and to placate its rank-and-file supporters in the colony. Bernard informed Secretary at War. Lord Barrington that:

the indifference which has been shown in England to the checking the Demagogues of America for so long a Time has at length so effectually discouraged the Friends of Government, that they have been gradually falling off, 'til at length the Cause is become desperate. 97

More than any other member of Grafton's cabinet, the Earl of Hillsborough was prepared to listen to Bernard and his associates. He was alarmed by what he saw as Massachusetts' rebellious and treasonable conduct. He was convinced that regular British troops were needed to restore imperial authority. To his discredit, he accepted at face value the accuracy of the pessimistic reports which he received from Bernard and the Customs Commissioners concerning the disturbances of March 1768. On the basis of these and earlier reports, Hillsborough, with the backing of the cabinet, wrote General Gage on June 8 ordering him to send to Boston one regiment, or such forces as he considered necessary, "to support the Civil Magistrates and the Officers of the Crown, in the execution of their Duty." On July 30, having received information from Bernard and the Commissioners concerning the Liberty Riot, the cabinet, with the exception of Shelburne, endorsed Hillsborough's proposal to order two regiments from Ireland to/

to Boston.⁹⁸

The troops arrived in early October and remained until March 1770. Their main purpose was to act as a deterrent to those who set out to intimidate or abuse government officials.⁹⁹

In the meantime, the protests continued. Senior officials suspected that the Whigs were making plans to resist with force the arrival of the troops. According to Hutchinson, the proceedings of the merchants in adopting a non-importation agreement in August wore a "threatening aspect".¹⁰⁰ When the Convention of Towns met in September to consider the prospect of military occupation, Bernard believed a plot had been laid to seize himself and members of his government.¹⁰¹

The rebellion did not occur when the troops arrived. Nonetheless, reactions to their presence demonstrated how little co-operation Bernard was receiving from the agencies of government. The Council, initially, refused to vote funds or provisions for the troops in accordance with the Quartering Act of 1766, and joined with the selectmen and Justices of the Peace of Boston in declining to find quarters for them in the town. (See Chapter Six, pp.175-187.) The House of Representatives, when it met in 1769-1770, suspended its business in protest at Bernard's "standing army". (See Chapter Four, p.144.)

While government officials were relieved to have the protection of the troops, it did not dampen their criticism of the Grafton ministry for its failure to take other measures to support the government. Bernard desired the British to make examples of the Whig leaders James Otis, Samuel Adams and Thomas Cushing and send them for trial in England. At the very least, he hoped that an act of Parliament could be passed to disqualify these men from holding provincial or municipal office.¹⁰² Bernard was still advocating the/

the reform of the colonial systems of government as being the only sure way of restoring Britain's power. In his letters to Shelburne and Hillsborough of 1767-1768, which later fell into the hands of the Whigs, he recommended the appointment of a mandamus Council for Massachusetts, thus removing the House's prerogative of electing councillors. As was revealed by the publication of the Hutchinson-Oliver Letters in 1773, the Lieutenant-Governor and the Secretary were at this time considering similar proposals. (See p.546,.note 78.)

In the winter of 1768-1769, Hillsborough's hard line attitudes were to the fore in cabinet discussions. He approved the King's speech to Parliament of November 8, which dealt with Boston's decision to hold the Convention of Towns in defiance of Bernard's instructions and declared that town to be "in a state of disobedience to all law and government." Hillsborough calculated that the news of this speech would "defeat and disappoint" the Massachusetts Whigs. On December 15, Hillsborough moved a series of resolutions in the House of Lords condemning the proceedings and resolves of the General Court over its refusal to conduct business and the deliberations of the Boston town meeting for revealing "a design...to usurp a new unconstitutional authority." The resolutions passed the House of Commons in the last week of January, 1769. In addition to commenting on the behaviour of the General Court and Boston, and justifying the deployment of troops, the resolutions proposed that Governor Bernard enquire into the rebellious activities of the Whigs after December 30, 1767. It was thought legal to bring the rebels to trial in England under an archaic statute of Henry VIII. Later, Hillsborough pressed the cabinet to approve further measures to deal with the Massachusetts Whigs, and he tabled Bernard's suggestion for appointing a mandamus Council. But his views were not shared by the rest of the cabinet. Only one of his recommendations was accepted: that the Governor of/

of Massachusetts be permitted to call the General Court to a place outside of Boston, away from the intimidating presence of the Whig mobs and radicals.¹⁰³

Bernard and his advisers were heartened by the hawkish tones of the King's November speech. "The Friends of Government...have no Reason to conceal their Joy at seeing the Time coming when this Country will be delivered from the baneful Influence of the Faction."¹⁰⁴ Hutchinson wasted no time in urging Britain to act upon the spirit of the King's speech. Unless Parliament's authority in the colonies was supported by punitive measures, he warned Thomas Whately, then "it is all over with us." The friends of government will be utterly disheartened, and the friends of anarchy will be afraid of nothing be it ever so extravagant." "The most sensible people...despair of Success", he told Richard Jackson."¹⁰⁵ These hopes and pleas are testimony to the central importance of the friends of government in the efforts of Bernard and Hutchinson to reinvigorate Britain's policies.

But their disillusionment returned when they received copies of the House of Lords' resolutions. Bernard could see nothing in them that would restore the power of the provincial government to maintain British authority. On the contrary, he told Undersecretary John Pownall, they "serve here to elate the Faction & depress the Friends of Government...on Account of...their being, Resolutions without Activity."¹⁰⁶ The Tory James Murray concurred: "if these Resolves are not attended with some more effectual Cure, it is not imagined here that our Disorders will be removed."¹⁰⁷

Bernard followed Hillsborough's instructions and began investigations into treasonable activities committed since December 30, 1767.¹⁰⁸ Jonathan Sewall, the new Attorney-General, made inquiries into the seditious libels published in/

in the Boston Gazette.¹⁰⁹ It was a task for which Bernard, Sewall, and other senior officials had little enthusiasm. Bernard complained to his friend Lord Barrington that such an inquiry "will have no other Consequence that [meaning than] to show the Impotency of Government." The inquiry into the Liberty Riot was obstructed and defeated because witnesses were not prepared to testify against rioters or the Whig leaders.¹¹⁰ Bernard's reply to Hillsborough, sent in May, was composed in consultation with Thomas Hutchinson, Andrew Oliver and Judge of the Vice-Admiralty Court Robert Auchmuty. Hillsborough was informed that they "cannot fix upon any [proceedings] that amount to actual Treason, tho' many of them approach very near to it." Sewall could not prove that "treasonable consultations" had resulted in treasonable actions. Moreover, explained Bernard, when Parliament accepted the petitions from the Convention of Towns and the General Court it acknowledged the and legality of these documents, although Hillsborough and he both believed they contained revolutionary political doctrines.¹¹¹

Bernard maintained that to be effective British policy had to be coercive, which fact, it seemed to him, Britain did not fully appreciate. For example, he approved Parliament's exclusion of the English liberal John Wilkes following the publication of a libel in the St. James Chronicle. "[It] encourages the Friends of Government to assure themselves that the same firmness will be exerted in vindicating the Honour of Government in America."¹¹² Even "the mildest measures are certainly the most eligible", said Hutchinson, "and they will answer the purpose as effectually as the most severe. Only shew us you are determined to execute them."¹¹³ A "vigorous spirit in Parliament will yet set us right."¹¹⁴

There was little improvement in the situation in Massachusetts or change in Britain's policy to convince senior officials that/

that the Whigs would cease protesting. From January, Britain had a new government led by Lord North, and its decision to repeal the Townshend Duties on painter's colours, glass and paper took much of the steam out of the merchants' enthusiasm for non-importation and was a significant contributory factor to the defeat of the boycott in Massachusetts and the other colonies. (See Chapter Eight, pp.256, 269.) But Thomas Hutchinson, who succeeded Bernard as Governor, continued to face the problem of ensuring the protection of government officials in the exercise of their duties. Mob attacks on customs officials did not cease, and have been well documented. Victims were tarred and feathered and beaten up if they tried to execute the acts of trade against the wishes of the Whigs. ¹¹⁵

Clashes between the troops and the civilians of Boston culminated in the King Street Riot or Boston Massacre of March 5, 1770, when four townspeople were killed and another fatally wounded. After the incident, the 14th and 29th regiments were withdrawn to Castle William, and to Hutchinson's alarm were pulled out of Boston later. ¹¹⁶

* * * * *

The Whig protest movement was a broadly based coalition of interest groups, institutions and classes. Its radical leadership endorsed both violent and peaceful methods of protest in a strategy of resistance designed to defeat specific acts of Parliament. To this end, but also to preserve the unity of an ideologically and socially heterogeneous movement, the/

the radicals embarked on an anti-Tory campaign that was intended to discourage the spread of dissenting or conservative opinions opposed to resistance. Senior government officials bore the brunt of the Whigs' anger and resentment. They too, however, were critics of British policies. But they perceived in the protests and anti-Toryism the germ of a levelling revolution that threatened to bring down the social and political structures of the colony. Thus, Bernard, Hutchinson and their colleagues urged successive British administrations to take immediate steps to restore the authority and power of the provincial government that had been found wanting in the wake of the Stamp Act Riots. They recommended that the British arrest the Whig leaders, for such a task, fraught with dangerous repercussions, they felt was beyond the capabilities of the provincial government. They also favoured the implementation of wide-ranging constitutional reforms to curb the political power of the Whigs in the General Court and town meetings. In their official and private correspondence, Bernard and Hutchinson promoted the interests and aspirations of the opponents of the protest movement - the friends of government - in such a way as to make these punitive measures seem attractive, essential and worthy solutions to the crisis, although the British refused to act upon them. Since 1765, Bernard and Hutchinson reasoned, the success of Britain's policies and her interests had depended not only upon the capability of government officials to implement acts of Parliament, but upon the provincial government being able to gain the political support of the friends of government. Their willingness to support Britain and make a stand against the Whigs, according to Bernard and Hutchinson, had been undermined by Britain's failure to take adequate measures to halt the protest movement. To what extent, therefore, were the ideology and politics of the friends of government and senior government officials compatible?



CHAPTER TWO: IDEOLOGY AND THE FRIENDS OF GOVERNMENT, 1765-1770.

Between 1765 and 1776, political and ideological conflicts in Massachusetts took place within a broad spectrum of opinion. But the issues and arguments raised by the friends of government, 1765-1770, were those that formed the basis of Loyalist ideology: a defence of the legislative supremacy of Parliament in the colonies; concern that the radicals' strategy of resistance to Britain would lead to revolution, civil war and military confrontation with Britain; resentment of the orthodoxy of opinion imposed on the colonists by the Whig leadership and their anti-Tory attitudes; and a sense of impending catastrophe, of great changes to come.

There were ideological and political differences between the two main groups that comprised the friends of government - the conservatives or Tories and the dissident moderate Whigs. Until we can actually pinpoint the moments when a moderate Whig began to question then challenge the majoritarian Whig view, we must presume that by his membership of the protest movement - and more so by his participation in the Whig leadership via town, merchant or House committees - he countenanced some form of opposition to British policies. The dissidents embraced a brand of moderate Whiggism which, as we shall see in more detail in later chapters, was greatly dependent upon the political climate: in moments of relative political quiet/

quiet they sided with the royal governors, but on every contentious issue - until 1770 for some and 1774 for others - they joined with the radicals. The Tories or conservatives, on the other hand, generally did not belong to the protest movement, although they too were critical of Britain, and on virtually every major issue favoured submission to Parliamentary authority.

But it is the similarities between the Tories and dissidents that demand our main attention, not the differences, for we must decide whether they contributed to the development of a community of feeling among the opponents of the radical Whigs. Like senior government officials, Tories and some moderate Whigs came to realise that the authority and power of Britain in the colonies were weaker than ever before, and that their preservation depended upon themselves taking direct political action to counteract the radicals. Their proto-Loyalist ideology propagated the traditional authority of government and familiar institutions.¹

1. The Moderate, Dissident Whigs.

At least seventy-nine friends of government were active members of the Whig protest movement and publicly expressed their support for its aims. With few exceptions, they were moderate Whigs who eventually came to challenge the political ascendancy of the radicals and their strategy of resistance. (See Appendix A.) It should be noted that this group was probably just a fraction of the total number of friends of government who were originally in sympathy with the protest movement, but whose participation and views have gone unrecorded, and, moreover, they were just a handful of the thousands of New Englanders who were neither Tories nor radicals, but "moderates".²

Generally, the Whiggism of the friends of government (and of future Loyalists) can be inferred from their membership of organisations which participated in the protest movement.

The annual anniversary dinners organised by the Sons of Liberty to commemorate the repeal of the Stamp Act on March 18, 1766 were attended by at least forty-four friends of government. On these occasions, they drank toasts to the King, the royal family and the Sons of Liberty. Of fourteen Bostonians who attended one dinner in 1768, ten became Loyalists.³

At Dorchester the following year, forty of the three hundred and fifty-five guests were to come into conflict with the Whig movement.⁴ Friends of government associated with the Sons of Liberty included Robert Hallowell, a customs officer whose brother had suffered in the Stamp Act Riots, and physicians James Pecker and John Jeffries who were to serve with British forces during the War of Independence.

Dissident merchants joined with the rest of the commercial community in opposition to British policies. Sixteen dissidents served on Boston town and merchant committees, whose membership was overwhelmingly Whig. (See Table 1.) Thomas Boylston served on committees which organised the trade boycott of 1767-1770.⁵ Twenty-nine friends of government belonged to the Boston Society for Encouraging Trade and Commerce set up in 1763-1764, (see Appendix A). Most of Boston's "friends" who were traders would have subscribed to the town's non-importation agreement of December, 1765.⁶ Moderate Whigs John and Jonathan Amory, for example, who belonged to the BSETC, approved the "general combination" to boycott British goods. They feared that if the Revenue Act and Stamp Act were not repealed "it will be to the Ruin" of the colony's trade.⁷ Elsewhere, in Marblehead, Robert Hooper encouraged public protests against the acts and was a member of the merchants' committee that approved the trade boycott of 1768-1769. Thomas Robie, a Tory, was the town's only merchant (and presumably the only friend/

TABLE 1: THE FRIENDS OF GOVERNMENT: OFFICE-HOLDING AND COMMITTEE SERVICE IN BOSTON, 1758-1775.

Name	Office	Date of * Service	Service on Town Committees	Service on Merchants' Committees	Allegi- ance.
Jonathan Amory			1766-69	1769	Whig
John Bernard	Clerk of Market	1769-70			Tory
James Boutineau			1765		Tory
William Bowes				1769	Whig
Thomas Boylston			1768-74	1768-70	Whig
Thomas Brattle			1770		Whig
Ebenezer Bridgham	Clerk of Market	1771-72			
Hopstill Capen	Fence viewer	1764-65			
	Warden	1768-69			
Benjamin Church			1770-75		Whig
John Coffin	Fireward	1773-75			
John S. Copley	Clerk of Market	1769-70			Whig
Gilbert Deblois				1769-70	Whig
John Erving Jr.			1767-68	1767	Whig
Thomas Flucker	Overseer of the Poor	1758-59	1764		Tory
	Town Represent- ative	1758-59 1760-61			

Name	Office	Date of Service	Service Town Committees	Service on Merchants' Committees	Allegiance.
Thomas Flucker	Fireward	1758-59			
Martin Gay	Assaymaster	1762-65			
		1767-68			
		1771-73			
	Fireward	1768-69			
		1772-74			
	Warden	1771-72 1774-75			
Frederick W. Geyer	Clerk of Market	1771-72			
Ezekiel Goldthwait	Town Clerk	1758-59	1768-70		Whig
John Gore	Surveyor of Highways	1771-72			
	Overseer of the Poor	1768-74			Whig
Harrison Gray			1763		Whig
Thomas Gray	Town Representative	1764-65		1764-74	Whig
Elisha Hutchinson	Clerk of Market	1769-70			Tory
Foster Hutchinson			1765 & 1767		Tory
Peter Johonnot			1760		
Andrew Oliver Jr.			1764		Tory
Peter Oliver Sr.	Assessor	1758-59			Tory
Edward Payne			1768	1764-7?	Whig
Samuel Quincy			1768		Whig

Name	Office	Date of Service	Service Town Committees	Service Merchants' Committees	Allegiance.
William Story			1763-64		Whig
Joshua Winslow			1764 & 1767		Whig

Sources: Robert F. Seybolt, The Town Officials of Colonial Boston, 1634-1775 (Cambridge, Mass., 1939); Charles M. Andrews, "Boston Merchants and the Non-Importation Movement", PCSM 19 (1916-1917), pp.159-259; John W. Tyler, Smugglers & Patriots: Boston Merchants and the Advent of the American Revolution (Boston, 1986), passim.

* Note: elections for town officials were held annually in March.

friend of government) who did not sign the non-importation agreement of 1765-1766. ⁸

At first, the Whig friends of government acquiesced in the leadership of the radicals and endorsed majoritarian Whig views. The Amorys were one family who were caught up in the feverish rationality of Whiggism. If the Stamp Act was not repealed, they maintained, "[we] shall consider ourselves as no other than slaves without any thing we can call our own."

After being deprived of our natural liberties as Men, & our Privileges granted our Ancestors by Royal Charter, we shall be very indifferent who our foreign masters are & perhaps we may like them the least, who we once lov'd the best. ⁹

John and Jonathan praised the "determin'd Res^olutions among all Ranks of People not to submit" to direct taxation, and rejoiced in the repeal of the Stamp Act. They could not see how

the Wisdom & Policy of the Government will suffer them again to attempt...[to abrogate] what we esteem our natural & inherent Rights or our Charter Privileges, for should they, they must expect that we shall not be wanting in making every Effort to preserve our Freedom more dear to us than Life. ¹⁰

Later, they explained to their correspondents in England the Whigs' position and views on the Townshend Duties:

All they seek for is to be treated as Englishmen & not as Slaves. The whole Contest rests on this single point, whether the British Parliament has a Right to tax/

tax them (for the purpose of a Revenue,
not as Regulating Trade) without their Consent.
Untill this point is given up on One Side
or the Other, there can no harmony subsist.

Animated by the rhetoric of John Dickinson's influential pamphlet Letters from a Farmer in Pennsylvania, the Amorys cried out that by the Townshend Duties Americans "are reduc'd by the Utmost Injustice to a State of Slavery for if the Parliament of Britain can take a penny from us without our Consent they may rob us of our whole property." ¹¹

There is no reason to doubt the sincerity and commitment of the Amorys and other Whig friends of government to the protest movement, 1765-1767.

Economic considerations, as well as political and ideological, played a part in determining the allegiance of these men in the 1760s. Like most Whig merchants, they believed their vital interests in commerce were being threatened by the imposition or retention of duties on articles of trade and by the reform of the customs service.

Historian John Tyler has positively identified six friends of government whose illicit trading activities were jeopardised by the reforms: Richard Clarke, John Erving Sr. and his son George, Thomas Boylston, James Perkins and Henry Lloyd. ¹² With the exception of Clarke and Lloyd, who were Tories, the others were Whigs in the 1760s. (See Appendix A.)

Evidence uncollated by Tyler supports his thesis that smuggling was one factor which determined the ideological-political allegiances of Whig merchants. Tories like Nathaniel Rogers, Hutchinson's nephew, also complained of the "severest restrictions" laid upon colonial commerce by the acts of trade, but were not/

not inclined to flout them by engaging in illegal ventures.¹³

Ward Nicholas Boylston expressed the apprehension of many Tories with smuggling when he instructed one of his captains making a voyage to the West Indies that he was "on no pretence [to] break the Acts of Trade whereby you may render the Vessell Liable to Siezure."¹⁴

Smugglers, said one Tory, were men "lost to all Sense of honour" and worked hand in glove with the radicals to undermine British authority.¹⁵

When the Ervings came into Hutchinson's camp in 1770-1771, they abandoned their illicit ventures.

Hutchinson claimed that he was able to convince John Erving Sr. of the folly of his family's ways, "that they tend to his own destruction as well as [to] the distress of the Government."¹⁶

The Boylstones were one family who were divided by politics and smuggling. Thomas Boylston and the firm of Joseph Green and Nicholas Boylston were among Boston's leading general merchants.¹⁷

Nicholas Boylston was a Tory and Joseph Green a moderate Whig.

There is no extant record that Green & Boylston was ever involved in smuggling.¹⁸

Thomas Boylston, on the other hand, was a smuggler and an out-and-out radical. John Adams thought him "a perfect Viper - a Friend - a Jew - a Devil", but "orthodox" in his politics. He was a "firebrand" against Governor Bernard.¹⁹

One reason for Thomas Boylston's Whiggism was that he had suffered directly from the new powers given to customs officers under the Revenue Act of 1764.²⁰

Boylston nurtured a belligerent Whiggism because his vessels had been seized for smuggling, but under the Revenue Act he could not sue for damages incurred during or as a result of the seizure. (Hitherto, customs officers were not protected against prosecution in colonial courts.)²¹

He had

a very considerable interest in shipping
for [which] he's under the greatest concern
& some in part w[hi]^{Ch} he is greatly
discouraged from fitting out well knowing them
liable/

liable to such abuses w[hi]^{ch} may inevitably
 ruin him from the officers of the Customs
 [being], unrestrain'd, uncheck'd by any
 Obligations to make reparation for damages
 sustain'd or by the Apprehension of being
 Accountable for their conduct however
 founded in malice, humor or Avarice." 22

Whig propagandists supported the efforts of merchants like Boylston trying to secure compensation for damages.²³

Compelling ideological and political arguments and hard-headed economic considerations were the main reasons why friends of government were to be found in Whig ranks in the 1760s. From 1765 to early in 1768, they acquiesced in the leadership of the radicals in the town meetings, General Court and merchants' committees.

But the moderates' early enthusiasm for protest waned considerably following the introduction of the non-importation agreements in March and August 1768. (See Chapters Seven and Eight, passim.) Whigs like Samuel Quincy, a lawyer, as well as the merchants, became alarmed at the "Encreasing Zeal for Liberty, or Mobbism".²⁴ By 1770, the Amorys, George Erving and Harrison Gray had come into conflict with the Whig leadership over the boycott, and were prepared to lead the opposition. Approximately two-thirds of the Whig friends of government went on to become Loyalists, although a few, like Thomas Boylston, did not leave the protest movement until after the commencement of hostilities in April, 1775. (See Appendix A.)

2. The Tories.

The Tories constituted the main body of opposition to the radical and moderate Whigs. Their political role in the assembly/

assembly, town meetings and province at large will be discussed at length in subsequent chapters. This section concentrates upon their ideology. The Tories were conservatives - politically, ideologically and socially. While they resented being called "Tories" because of that term's association with disloyalty to the Hanoverian succession, and much preferred the ^pellation "friends of government", ²⁵ "Tory" adequately serves the purpose of describing those who opposed the Whig protest movement from the outset (although a few did become Whigs.) "Friends of government", of course, refers to all opponents of the protest movement - Tories, dissident Whigs and previously uncommitted ^t persons.

Like the Whigs, the American Tories used the colonial newspapers to communicate their ideas and ideology to the American public. The growth of the press in the revolutionary era provided a popular forum for political debate, and the pages of newspapers were not exclusive to one side or the other. ²⁶ For economic reasons alone, proprietors accepted contributions from writers of all political persuasions. ²⁷ British conservatives like Thomas Whately, Secretary to the Treasury in Grenville's administration, were impressed by the Tory pamphleteers. ²⁸

But it was the American Whigs and not the Tories who made the most effective use of the press as a political and ideological platform. Unlike Whig essays, the letters of Tories in one newspaper were rarely reprinted in those of other colonies. Generally, Tory contributions registered local or provincial reactions to events. Even by 1774, Loyalist essays in the press "did not enunciate a fully developed alternative ideology or a coherent political code" which was transmitted throughout the colonies. ²⁹ It was the Loyalist pamphlets of 1774-1776 that facilitated the inter-provincial transmission/

transmission of conservative ideology on a popular level.³⁰

(a) Tories and the Stamp Act Crisis.

During the Stamp Act Crisis, the Massachusetts Tories did not engage in a sustained press campaign to defend the much-hated Stamp Act or to attack the activities of the Whigs. Samuel Waterhouse was a lone figure daring to lampoon James Otis as a "lying dog" and a "filthy skunk". (For his efforts, the "Water-house rat" had to swear an oath that he had not solicited for the office of Stamp Distributor.)³¹ Tories readily accused the Whigs of intimidating newspaper proprietors who were willing to publish anti-Whig propaganda.³² Later, one Tory said he feared that his article in the Massachusetts Gazette would bring reprisals against the printers, Richard and Samuel Draper. The Drapers ignored the abuse thrown at them by the rival (and Whig) Boston Gazette and continued to publish the views of dissenters so "that our worthy Patriots might have Opportunities of confuting any ill grounded Opinions."³³

Given the sparseness of Tory propaganda, 1765-1766, the most important primary sources with which to trace the development of Tory ideology are private letters, family papers and the correspondence of Governor Bernard and Lieutenant-Governor Hutchinson. These sources reveal that while the public debate revolved around questions concerned with the political and constitutional rights of the colonists - as they related primarily to the issue of direct taxation by Parliament - and the economic effects of British policies, the Tories' attention was focused on the fundamental political and social consequences of resistance to British authority.

At the outset, it must be stated that on the whole the Massachusetts Tories did not support the introduction of the Revenue Act or the Stamp Act. Only isolated reports exist of Tories expressing their approval of these measures. Few in the colony would have agreed with the Scottish-born merchant James Murray that "far from being a hurt to the Colonies", they "will be a necessary Spur to their Industry." Murray's opinions were untypical, and he had but recently arrived in Massachusetts from North Carolina.³⁴ Another exception was John Lowell, a member of a Boston club attended by John Adams. It was said that he "ripes about" all those who denounced the acts, for he was an "A[r]se Kisser" of the Hutchinsons.³⁵ Nathaniel Rogers believed that the Stamp Act was "supported at most by a few persons of property".³⁶

Tories in general did not approve of the Grenvillian programme, and wished for a repeal of the reforms. In this view, they differed markedly from British conservatives who would brook no concessions to the Americans on the issues of taxation or repeal.³⁷ But the Tories were less concerned with the virtues of the Stamp Act and Revenue Act than with the possible effects that resistance to Britain might have. The Stamp Act Riots and the radicals' claims to the right of self-taxation, they believed, would alienate opinion in Britain favourable to a repeal of the acts. Moreover, they perceived a cause and effect relationship between resistance to British authority and the decline in the traditional authority and power of the provincial government. The radicals, it appeared, were leading the colonists along a road to social and political revolution and independence from Britain. They had imposed a "democratic tyranny" upon Americans in order to silence those who could see their true intentions. According to Judge John Cushing, "A Spirit of Levillism Seems to go Through the Country".³⁸

From January 1765, Tories warned that political extremism would not in any way aid the colonists' efforts to have the duty on molasses abolished altogether and the Stamp Duty, approved in principle by Parliament in March, 1764, averted. The Boston merchant Arthur Savage went to London to lobby M.P.s and get them to move for a repeal of the Revenue Act and reject Grenville's proposal for a Stamp Duty. He praised both the manner and the means by which Thomas Hutchinson had attempted to block Grenville's plans: "People seem generally agreed that...no Man is so Sutable or so likely to Serve the Province as Mr. Hutchinson...which is greatly strengthned (sic) by a Letter of his to Mr. Jackson." In contrast, Savage saw no value in James Otis's radical doctrines and exclamations. "People's opinions seem very Various in respect to Mr. Otis": some say his name "ought to be wrote in Letters of Gold" while others believe he has "little affect" on those in government or Parliament.³⁹ Otis's opposition was "not well timed". The "present Sentiments of the Ministry", he informed his brother at Boston, "are such that they will not be Bullied into Opinions contrary to their own."⁴⁰ The Stamp Act became law on March 22.

It seemed perfectly clear to the Tories that if the act was to be overturned then the colonists must refrain from offending Parliament or the new administration led by the Duke of Cumberland and the Marquis of Rockingham. For Thomas Hutchinson, Attorney-General Edmund Trowbridge and Peter Oliver, submission to Parliamentary authority and acquiescence in the execution of the Stamp Act were essential prerequisites if Britain was to be persuaded to repeal the Stamp Act and the Revenue Act. Petitioning, not resistance, was the means by which to change the opinions of M.P.s and government ministers.⁴¹ Such ideas were discussed at the weekly meetings of a club organised by Rev. Ebenezer Gay of Hingham, and attended by councillor Benjamin/

Benjamin Lincoln and Braintree Tories Peter Etter, William Vesey, and Joseph Cleverly.⁴² They also found their way into the sermons of Congregational ministers Mather Byles Jr. and Eli Forbes.⁴³

Anglican clergymen were particularly outspoken critics of the Whigs. Henry Caner accused Congregational ministers Jonathan Mayhew and Charles Chauncy of fomenting "murmuring and discontent" among the populace over the Revenue Act in order to stir up opposition to the Anglicans' proposals for an American episcopate. It was a dangerous game played by Mayhew and Chauncy, one "which was likely to upset the colonies political connections with Britain."⁴⁴ Whereas many Congregationalists condemned the Stamp Act and the Presbyterian Synod of 1766 declared for repeal, Anglican clergy in the Northern colonies preached the virtues of submission to British authority.⁴⁵ For the Anglican preachers, of course, their Toryism was subsumed in their loyalty to the King as head of the Church of England.⁴⁶ But it is unclear to what extent members of Episcopalian chapels and missions in Massachusetts shared their views.⁴⁷

In the first four months of 1765, Governor Bernard and most moderate Whigs agreed with the Tories' argument that petitions to the King and Parliament were the most propitious means by which to influence the repeal of the Revenue Act and Stamp Act. The Whigs were less inclined to endorse the Tories' grim prognosis that Britain would use military force to compel submission to the Stamp Act.⁴⁸ By May, however, the Tories' case was greatly discredited by the arrival of news from Britain that Parliament had rejected the petitions against the measures sent from Massachusetts and other colonies. (See Chapter One, pp.23-26.) Over the summer, the Tories joined the Whigs in calling for a congress of the colonies to/

to draw up remonstrances and petitions to the King and Parliament.
(See Chapter Three, pp.93-96.)

The August riots in Boston, however, confirmed the Tories' worst fears that the radicals had gained control of the protest movement and were intent on obstructing attempts to implement the Stamp Act, even to the point of provoking retribution from Britain and inciting civil disorder among the lower orders. Richard Clarke absented himself from Jonathan Mayhew's West Church, because he believed that Mayhew's sermon of August 25 had encouraged the mobs to destroy Hutchinson's house the next day.⁴⁹

Nathaniel Rogers, who had denounced the Revenue Act and Stamp Act, - for which he gained the reputation of being "warmly attach'd to the cause of liberty" - declared he was "an Enemy to the factious proceedings" that had taken place in Boston.⁵⁰ Ebenezer Miller, a selectman of Braintree and political rival of John Adams, was "fearful that they will be stomachful at Home and angry and resentful" on account of the riots.⁵¹

Tories, therefore, welcomed reports from Britain indicating that despite the resistance of the Whigs, the ministry, now led by Rockingham, was considering repealing the Stamp Act. But their optimism was tempered by the situation in Massachusetts over the winter of 1765-1766: the courts and ports had been closed since November and, the following month, the east coast merchants entered into non-importation agreements. Once more, they preached the wisdom and expediency of restraint and mild supplications. Henry Caner hoped that New Englanders "may not...by some riotous improper Conduct bring upon ourselves the Resentment of the British government" and so jeopardise the prospect of repeal.⁵² The Massachusetts Gazette applauded the private remonstrances sent to Whitehall by Bernard and Hutchinson. It also reprinted letters of the London merchants to the Whig merchant John Hancock, in/

in which the latter was warned that the "intemperate proceedings" in Boston had alienated British liberals.⁵³ Curiously, the Tories said little about the effects of non-importation on British opinion, probably because many Tory merchants in Boston had subscribed to that town's agreement.⁵⁴

After the Stamp Act was repealed and the Revenue Act revised, the Tories maintained that the radicals' strategy of resistance had played no part in the calculations of the Rockingham government. Nathaniel Hatch of Dorchester asserted that "nothing hindered the repeal of the Stamp Act but what has been done here - the Riots, and Resolves."⁵⁵

On reflection, few friends of government were Tories in 1765-1766. At best, we can determine the allegiance of around seventy Tories from the time of the Stamp Act Crisis. This number included thirty-two representatives in the House named in a Whig "Black List",⁵⁶ a few councillors and judges, members of the Hutchinson-Oliver clique, some government officers such as Benjamin Hallowell, four or five merchants and a handful of Congregational and Anglican clergymen. (See Appendix A.)

Francis Bernard and Thomas Hutchinson believed that many more people would have declared their opposition to the Whigs had they not been intimidated into silence by the Boston riots and anti-Tory propaganda. Bernard informed his correspondents in England that the "Defection...is not so general as it appears; because People who are on the side of government, dare not [voice] their Sentiments."⁵⁷ "If a Gentlemen in common Conversation signifies his disapprobation of this insurrection, his person is immediately in Danger."⁵⁸ Thomas Hutchinson accused James Otis and Samuel Adams of inciting the lower orders to riot in order to silence people of different ideological/

ideological persuasions. They "have been endeavouring by their inflammatory writings to instill principles destructive of all government and then stir up the rage of the people against all who will not avow these principles." ⁵⁹ They turned the tradesmen against Andrew Oliver's house "and then went on to more erroneous acts" until it was "thought they had done enough to deter all persons from giving the least countenance to the [Stamp] act." ⁶⁰ Hutchinson explained to Benjamin Franklin (who had himself solicited for a Distributor's commission) that after the riot of August 26 it was "not safe...to advance any thing contrary to any popular opinions whatsoever. Every body who used to have virtue enough to oppose them is now afraid of my fate." ⁶¹ In his History of Massachusetts, Hutchinson concluded that action against

two of the principal officers of the crown...struck terror into people of inferior rank; and though they saw the danger from this assumed power in the populace, yet they would give no aid in discountenancing it, lest they should become obnoxious themselves. ⁶²

The testaments of Bernard and Hutchinson did not exaggerate the impact of the riots and anti-Toryism on the Massachusetts Tories. Tories themselves expressed their anxieties with the Whig orthodoxy. After August 26, the message from the Sons of Liberty was clear: "no body dare speak a word, in Opposition...if they did, down goes his house." ⁶³ Edmund Trowbridge confided in William Bollan: "No man is Safe unless he Joyns the Cry against the Stamp Act." He feared that his house "would be demolished as the Lieutenant-Governor's was" if he took steps to implement the act. ⁶⁴ Henry Caner observed that

Bad/

Bad principles are cherished and a riotous disposition kept up among the people by some popular leaders and every man is look'd upon with a jealous Eye who does not join in the popular Clamour, and is in Danger of being made a Sacrifice, if he expresses any Sentiment contrary to the present reigning Opinions. 65

James Murray echoed Caner's views:

The Multitude, among which are many men of figure and fortune, imagine that such proceedings will surely procure a Repeal of the Act and prevent further imposition; while a few, they call them the base few will not only rivet the Act in question, but bring the Colonies under a much stricter government than ever they have yet felt. The Truth is we are the Children of a most indulgent Parent who has never exerted her authority over us, till we are grown almost to manhood and act accordingly; but were I to say so here before our Chief Ruler, the Mob, or any of their adherents I should presently have my house turned inside out. 66

While there are no recorded instances of violent attacks on the persons or property of Tories in 1765-1766, other than those on Hutchinson, Oliver, Story (a Whig in fact) and Hallowell, the treatment meted out to these men was enough to deter many conservatives from taking a public stand against the radical Whig leadership and their strategy of resistance.

(b) Tory Ideology, 1767-1770.

The controversies over the Townshend Acts, non-importation, the/

the rescinding issue and the Boston Massacre sharpened the Tories' ideological awareness: they placed greater limits on the colonists' right to resist Britain.

There was a bitterness in the exchanges between Tory and Whig writers that was never erased by the repeal of the Stamp Act. Tories fully realised the unpopularity of their views. But by 1767, they were in a better position to mount a counter-attack on the radicals in the press. The Boston Evening Post carried the ambitious projects of Jonathan Sewall and the anonymous "N.P." who composed a series of rejoinders to Dickinson's Farmer's Letters.⁶⁷ John Mein's Boston Chronicle, which first appeared on December 21, 1767, was, according to the Boston Gazette, a new instrument of the "Jacobite Party". Actually, it was not until the summer of 1769 that Mein's paper adopted a clear pro-government stance.⁶⁸ Nonetheless, it published the essays of a host of minor Tory writers.⁶⁹ Avid readers of the Chronicle included Andrew Oliver and Israel Williams.⁷⁰

Tory writers were more prepared to challenge the intimidatory tactics of the Whigs than they had been hitherto. During the Stamp Act Crisis, according to "A True Patriot", the radicals had threatened with "fire & faggot to burn and destroy all those who presume to differ with them (in their enthusiastical political notions.)" "Phil. Paci" in the Essex Gazette called for reconciliation between the two parties, and reminded the Whigs of their blatant hypocrisy in proscribing the Tories whilst declaring their faith in doctrines of natural rights:

If...any Measures are encouraged or pursued,
which, if obtained, will lay the greatest
Restraint upon the Liberty of Individuals,
who /

who differ in Sentiment from the prevailing Party, we may. I think depend upon it, that by such Conduct we sap the very Foundation of all true Liberty, and miss the Thing we profess to be aiming at.

"N.P." rounded on James Otis, Sam Adams, Joseph Warren and Dr. Thomas Young for producing virulent anti-Tory newspaper articles.

"Whoever contradicts a prevailing humour...draws upon himself the clamour of the multitude; His arguments are condemned, but not examined." 71

The Tories did not like the Townshend Acts any more than they had the Stamp Act, whereas Governor Bernard approved Townshend's scheme. Once again, Tories were in favour of repeal on political and economic grounds, and advocated peaceful remonstrances as being the most likely strategy with which to achieve it. Yet, like Bernard and Hutchinson, they also believed that if Parliament chose to repeal the Duties it should not in any way abrogate its legislative supremacy in the colonies. Against the mainstream of Whig opinion, the Tories argued that the colonists did not possess legislative powers independent of the authority of Parliament. They admitted that it made good sense not to impose direct taxes upon the Americans, but maintained that if Parliament so desired then it had the authority to do so. There was no paradox or confusion here: at first, they believed that if the Duties could be repealed without making concessions over the principles involved Britain and the majority of colonists would be satisfied.

Tory writers denied categorically that the Charters granted to the colonists by Charles I and William III contained any concept of self-government that limited the sovereignty of the British Parliament to levy taxes or enact any other piece of legislation pertaining to the colonies. It was a "fallacy" for the Whigs to have argued that Parliament could only/

only levy "external" taxes (duties on articles of trade) and not "internal" taxes such as the Stamp Duty. (The Tories agreed with the Whigs that the Townshend Duties were in effect "internal" taxes.)⁷² With such claims, the Whigs were undermining not only the colonists' allegiance to the King-in-Parliament, but to the King-in-person: "The authority of the King [cannot] be denied in one respect and acknowledged in another; without destroying the whole chain of allegiance."⁷³ Nor did the doctrines of natural rights and natural law justify the resistance to Britain. Instead, it leads "to the dissolution of all government, and ought never to be made use of but when the government, by the mal-administration of the governors, is already in a state of dissolution."⁷⁴

In a series of articles in the Boston Evening Post, Jonathan Sewall as "Philanthrop" advanced a conservative interpretation of the Lockean contract theory of government in order to rationalise and explain the Tories' opposition to the protest movement. Sewall argued that the Whigs were undermining the system of deference - or an ingrained respect for authority and those who maintained it - that prevailed in colonial society. But deference, he argued, was essential to the well-being of society. It was the duty of every person "to keep up in the minds of all about him an inviolable respect for the laws, a rational submission to those in authority and christian candor, brotherly love and good will one towards another." The promise of political liberty, according to Sewall, could only be realised when people understood that there were "certain rules, to which...all of the community, must conform."⁷⁵

"N.P." advanced a similar thesis. The colonists, he reasoned, had a "moral obligation" to support the existing structure of government, for their allegiance and loyalty did not/

not depend upon them knowing a priori whether that obligation was consistent with what the Whigs defined as their constitutional liberties and duties:

'Tis the preservation of peace and order among mankind, which are incompatible with the riotous passions incident to our natures, that first depriv'd man of his natural liberty, and made him submit to political society. Such obligations as society enforced, being moral, must consequently have arisen with an original intent to promote public utility. 76

For the Tories, the Liberty Riot of June 11, 1768, the refusal of the House to rescind the circular letter later that month, the adoption of a unilateral non-importation agreement in August by the Boston merchants and the illegal meeting of the Convention of Towns in September were calculated exercises by the Whigs to inflame the populace against Britain and the opponents of the protest movement. The Hultons reported that "Many Persons awed by the people, are obliged to court Popularity for their own Security....If the People took a dislike to any One, they would make nothing of pulling down their houses." "Veryfew", they continued, "[are] to be met with that will allow the right of taxation to the British Parliament." 77

When Nathaniel Rogers returned from a visit to England, he wrote in a letter to the Boston Gazette that "a general alarm appeared in the kingdom that we were taking the most imprudent steps." Rogers urged the Whigs to cease their protests because "men of all parties" in Britain were "willing to afford us every relief." The repeal of the Townshend Duties would come "once we had returned to moderation" and delivered "representations, founded upon such reasonings as were admissable upon their ideas of the constitution."

Rogers/

Rogers echoed Bernard's sentiments, although he was not the Governor's mouthpiece. Bernard "wished that he [Rogers] had advised with his Friends concerning the Prudentiality of this Publication." When Bernard informed Rogers that the Convention of Towns had met in defiance of his instructions, he asked him if his "Hopes" that Massachusetts would be "treated with Indulgence had not been much abated". Rogers "owned that they were very much abated: & that he dreaded the Resentment of the Parliament." ⁷⁸

In September, fifteen New England clergymen signed an address to the Bishop of London expressing their grave concern at recent developments in the colony. Their refusal "to join in the popular clamours that now prevail" and speak out against the Townshend Acts left them at the mercy of the radical propagandists: "We are neither allowed to speak nor scarcely to be silent unless we join with those who we believe to be labouring the destruction of our constitution, civil and religious." The only thing to be done was "to cultivate among the people committed to our care a spirit of peace and patience." Little changed for the majority of Anglican clergymen in Massachusetts between 1768 and 1775: ten of the fifteen signatories became Loyalists. ⁷⁹

By the summer of 1769, when the province received word that the Grafton administration was favourably disposed toward a partial repeal of the Townshend Duties, the Tories were increasingly apprehensive that the radicals would incense Parliament and the ministry and prevent a repeal. James Murray noted that the Whigs "think they are effectually bullying Britain into their Measures, while they seem to us (Tories) to be heaping up wrath against the day of wrath." ⁸⁰ For one Tory, Massachusetts was now in the "headlong progress of political phrenzy", and the Whig leaders "would do well to consult the probable tendency of their conduct." ⁸¹

These were the thoughts of men whose ideology was imbued with a sense of impending catastrophe. Few were now so optimistic as to think that the protests would cease once Parliament had repealed the Townshend Acts. For Thomas Hutchinson, the Whigs "will not be easy until all the Acts laying restraint upon our Trade should be repealed also."⁸² In October, the Boston merchants resolved to continue with non-importation until all the Townshend Duties and the Revenue Acts of 1764 and 1766 had been repealed. (See Chapter Seven, pp.235-236.) "What can be done for a Sinking Country?" asked Israel Williams. "The contentions and clamours at home [Britain] and here, wear a very threatening aspect, and forebode a Revolution. Deus avertat omen."⁸³

The Tories were certain of the long term consequences of resistance to Britain's policies: it presaged an "internal revolution", with the radicals leading the lower orders to power; a war of independence with Britain; and a bitter civil war between the friends of government and the Whigs. If the "extreme" arguments and doctrines of the Whigs were "allowed their full scope [it] would establish an entire independency."⁸⁴ Israel Williams believed that there was "no way of avoiding" the wrath of the British government, for if necessary they would "carry their Acts and orders into Execution." His kinsman Colonel William Williams was "settled" in his opinion that the "Conduct" of the House of Representatives "will bring a demolition of our Charter Unless we are treated by King & parliament as a people Insane & so not to be punished until we come to our Wits." Henry Caner was equally despondent on the future of British-American relations: "God knows where or when these things will end," he wrote, "perhaps in a total alienation of the Colonies, or a forcible reduction of them - a terrible alternative."⁸⁵ (The Whigs, of course, denied that independence was their goal or that these other events/

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events would necessarily come to pass. But their assurances did little to assuage the ⁿanxieties and fears of the conservatives.)

Nathaniel Coffin summarised the Tories' pessimistic and Manichean perception of the political situation in Massachusetts and Boston in particular. The colony had become a "sheer Democracy". "Power frequently shifts hands. One While a McIntosh, another, Otis & Adams, at another the Body of Merchants are our sovereigns." ⁸⁷ The mob and the lower orders, led by the radicals, had assumed the de facto control of politics in Boston:

Demagogues, are left in possession of an unlimited Power, supported by all the Common people of this Town, who place an intire Confidence in them, & by being disposed to perceive any impressions they may please are wrought into the highest degree of Enthusiasm and Frenzy. This mighty Tyranny bears down every thing before it, overawes all the executive power of Government and by having the lead in the Legislature carry all their Points there. Their Influence becomes daily more and more extensive thro' all the Towns of the Province & indeed of the neighbouring Provinces, which is employ'd in alienating the Affections of the People from Great Britain, & setting before them the alluring prospect of a total independence of, & exemption from the Government of it....

The basis of the Whigs' power was their control of the Boston mobs:

A storm in this Town is raised in the twinkling of an Eye, without your having the least Warning. Such an absolute Sway have our leaders over the Minds of the Common people, that in an instant they will raise you a Tempest, that would threaten Destruction to the Globe, & as/

as instantaneously produce you a Dead Calm, & for months together when policy requires it preserve such Peace & quiet in the Town, that you would swear it to be the best regulated Town in the world. 88

Coffin feared not only a political revolution by the radicals, but also a social revolution by the lower orders and lower middle classes: "In a very few Months, It is thought a division of property will take place amongst us." 89 (The Tories' vision of impending class conflict was characteristic of the arguments of Loyalist pamphleteers in 1774-1775.)

The Boston Massacre of March 5, 1770 heightened the Tories' fears of revolution and civil war. Lying in his bed suffering from gout, Andrew Oliver could hear the ringing of bells and the beating of drums as "thousands of people" poured into King Street to confront Captain Preston and a detachment of soldiers on duty at the Town House: "[It] painted in my Imagination all the Horrors of a civil war." 90 Five civilians were killed in the affray, and Preston and his soldiers were tried for murder. All were acquitted, although two soldiers were found guilty of the reduced charge of manslaughter. "It was clearly justifiable homicide", thought Nathaniel Coffin, and he believed the judges and jury had done themselves a "great honor" in acquitting Preston. 91

The Boston Massacre was only one of many violent incidents in 1770-1771 that contributed to the demoralisation of Tories, particularly those like Coffin who were employed in the customs service.

Customs officials had often complained of their inability to enforce the acts of trade when faced with angry Whig mobs. Henry Hulton maintained that just as senior officials in the provincial/

ncial administration did not have sufficient coercive power at their disposal to enforce unpopular acts of Parliament, so too customs officers "required more than the [Customs] Board possessed or than Government might chuse to exert" in order to carry out their duties.⁹² Governor Bernard agreed with Hulton that officers had become reluctant to attempt seizures "since it would only serve to expose their...persons to contempt & danger, without Any probability of detaining the goods."⁹³ (Officers were allowed to retain one-third the value of seizures.) Customs officers could request the aid of the civil magistrates when making a seizure by obtaining a writ of assistance from the Superior Court. Since 1761, only Massachusetts and New Hampshire had issued writs. In 1766, the Attorney-General of England upheld a ruling by the highest court in Connecticut that writs were illegal. But the decision was reversed and writs continued to be issued by the Superior Court. Another way to aid customs officers was for the Governor and Council to make a proclamation urging civil magistrates to maintain law and order and protect imperial servants.⁹⁴ Criticism of these existing police measures came most poignantly from Tories employed in the customs service. Their rebukes reflected, and were reflected in, the criticism of Britain's colonial policies by senior officials in the provincial administration.

On May 18, 1770, Owen Richards, a tidesman at Boston, attempted to make a seizure without the aid of civil magistrates. He was apprehended by a mob who tarred and feathered him, then carted him through the town for upward of four hours. Richards made his escape when an argument broke out among his assailants whether or not to give the same treatment to another customs officer. It was an especially brutal assault, from which Richards was/

was in danger of losing the sight of one eye. ⁹⁵

Richards received no aid from the town constables, the Sheriff or the Justices of the Peace. Nathaniel Coffin, who witnessed the mobbing, noted caustically that "not a Magistrate appeared to interpose his Authority." Hutchinson called the Justices of the Peace to the Council chamber the following morning and made it clear to them that their "duty [was]...to interpose in order to suppress the Riots". One of the Justices, a Whig, replied that he had received no complaint about the disturbance and so had taken no action to halt it. Hutchinson, who could ^{do} nothing more for Richards, reminded the magistrates that "it is of great Importance that the Officers of the Customs should not be intimidated", and promised that as Chief Justice he would do all in his power to "promote a vigorous prosecution of the offenders." ⁹⁶

The incident left Nathaniel Coffin bitter and angry with the British government for placing its servants in such a predicament where they had to enforce the acts of trade in the face of hostile mobs without being given adequate means of protection.

In the Name of Curiosity what can [the] administration be about, that they do not fall on some Measures to put a stop to the growing evil. If they should continue as supine as they have hitherto been, & shall neglect to take any Methods, to support their Servants, & restore order & obedience to Laws, they had better send for every Servant of Government home. It is impossible under these Circumstances, that they should continue long here in their present Situation, being 'mark'd with the greatest contempt, exposed to daily insults, & in constant hazard of their Lives & Property. ⁹⁷

One month after the attack on Richards, Commissioner Henry Hulton, his family and guests (who included two customs officers) were besieged by a mob at Hulton's house at Brookline. The mob smashed windows and tried unsuccessfully to gain entry before it dispersed. The attackers wore disguises and had blackened faces. Hulton's neighbours could identify some of the assailants, but were "immediately...silenced, being given to understand...that if they made any further stir about the matter, they might expect to be treated in the same manner as Mr H[ulton] was." ⁹⁸ According to Hulton and his sister,

This instance shows the State this Country is in....It is not the case of one, but of every faithful Officer & Loyal Subject here that is; to suffer abuse persecution calumny & reproach & if they seek redress or any person attempts to do them Justice, it is not to be expected but threats of greater evils. ⁹⁹

Later, it was suggested by the Whigs that Hulton had fabricated this incident in order to slight them. ¹⁰⁰

Another example concerns Arthur Savage, who had been the Comptroller of Falmouth since April, 1765. Savage had a reputation for rigorously enforcing the acts of trade. On February 2, 1770, Savage and a landwaiter seized a vessel and her illegal cargo of French rum. But a mob interposed to prevent them from removing the cargo. Savage, evidently, possessed a writ of assistance, and requested the Sheriff to aid him in the recovery of the cargo. Although "Some doubt...arose [as to] what assistance the Sheriff is legally obliged to afford...in Such cases", he accompanied Savage and his subordinates back to the wharf where the vessel was moored. They were halted by a crowd of some twenty people, who began to hurl "threatning words" at "every person" who/

who was employed" in securing the cargo. Eventually, the customs men had to cease their work. ¹⁰¹

In a letter to Thomas Hutchinson, by now the acting Governor, Savage analysed the reasons for his failure to seize the vessel's cargo. "The course of the Law was as much Impeded as if Thousands [of] armed [men] had forceably prevented us from doing our duty." The root of the problem was the ineffectiveness of the writs of assistance. The "Intention" of the writs was that "the laws should have their free course", but even when civil magistrates or the Sheriff did act in response it was "Impossable" for customs officers to secure cargoes against the wishes of a determined mob. Greater protection was needed for customs officers than was available at present:

The Necessity of Support Somewhere is needed in Such a place and in such Times as these, when common prudence and a Safety to a man's Self oblidges most to Speak cautiously, and to follow a more cautious conduct in order to enable them to do there duty even in the most temperate manner....It must...be a Consideration verry dejecting to the Officers...with every other Inconvenience that we are exposed to the ludicrous Jests of the base and unthinking for not being able to do our duty, when on the other hand a Strict adherence to it is expected from us. 102

* * * * *

The ordeal of Arthur Savage ¹⁰³ came after five years of political turmoil in Massachusetts in which Tories like himself had emerged as the main opponents of the Whig protest movement, but also as critics of British colonial policies. In order to explain the first count, we must understand that it was not the case (as the Whigs sometimes alleged) that the Tories could not conceive of a situation where a people such as the Americans would be justified in rebelling against the established government: not to have done so would have been to reject entirely Massachusetts's libertarian heritage, and this they could not do no matter how far their colony's Puritan and Whig traditions were being turned against them by the radicals; also, as conservative liberals who professed their faith in the constitutional arrangement settled by the Glorious Revolution of 1688-1889, they were committed^t to upholding the concept of political change at the highest level in order to overthrow "despotic" governments or monarchs. But deep in the Tories' ideological consciousness there was a compelling, almost atavistic desire to relate what was happening in the present to historical experiences that went beyond the Glorious Revolution to the time when the Puritans first settled in the Bay colony and England was torn apart by the Civil War of the 1640s. Then, Massachusetts had been largely isolated from developments in England, where, alarmingly for conservatives, the Levellers and other extremists held out visions of social and political revolution to the middle and lower orders. Later, in Tory eyes, they were succeeded by the Real Whigs, who revered pernicious concepts of popular sovereignty (although they were far from being revolutionaries). Now, it seemed, these ideas had crossed the Atlantic, and were leading the Whigs to contemplate revolution and independence from Britain. With all this in mind, the Tories saw no need for a radical reformation in the constitutional arrangement according to Whig texts that would allow Americans the full "rights of Englishmen". They/

They admitted that the colonists had grievances, but none that could not be resolved by dutiful petitions and remonstrances to the King and Parliament; Britain was not a tyrannical power and would listen attentively to their protests. The Tories' preferred method of safeguarding fundamental liberties was for the colonists to submit to the authority of Parliament whilst working for a redress of grievances. Riots, political extremism and anti-Toryism presaged an "internal revolution" that threatened to destroy the bases of their own freedoms: in other words, the Whigs were rebelling against the very institutions, political culture and society that had given Americans their rights and liberties, and which still protected them. At the same time, however, senior government officials were thinking of radical constitutional changes that would curb the political power of the Whigs. It is unlikely that the majority of Tories would have approved of the reforms suggested by Bernard, Hutchinson and Oliver. But on the second count, they urged successive British governments to take drastic steps (without, on the whole, specifying what measures) to arrest the declineⁱⁿ the power and authority of the provincial government. Their criticism was not always mild, but usually general and vague, and rarely, if ever, voiced in public. Eventually, some moderate Whigs came to share some of these assumptions (as will be shown in more detail in subsequent chapters). The allegiances of roughly a quarter of the friends of government - Tories, dissident Whigs and others - were formed during the period 1765-1771 (see Appendix A.). To what extent, therefore, did the dissidents and Tories co-operate to halt the progress of the radicals? and, did they respond to the political leadership of the royal governors?

CHAPTER THREE: GOVERNOR BERNARD, THE TORIES AND OPPOSITION
TO THE WHIGS IN THE HOUSE OF REPRESENTATIVES, 1764-1765.

Politics in the lower chamber of the Massachusetts legislature, the House of Representatives, did not depend upon the functions of a stable, well run party system.¹ On any major issue which came before the House members formed coalitions that transcended rigid political boundaries and usually lasted so long as the issue in question was being debated.² This situation changed slowly and gradually, but not completely, during the revolutionary period³ when three main ideological-political factions emerged: the radical Whigs and the Tories, who were at opposite ends of the spectrum of opinion, and the moderate Whigs and non-aligned members who formed a loose, often incoherent association in the middle. The radicals were the most politically dynamic of the three, for they provided the leadership of the Whig protest movement inside and outside the General Court. To back up their campaigns in the assembly, they had at their disposal the Boston newspapers, political organisations such as the Sons of Liberty and quasi-political voluntary associations such as the Masonic Lodge. The Tories, on the other hand, were an ill-organised group who looked principally to the royal governor for political leadership. There were approximately sixty Tories who sat in the House between 1764 and 1774. While it is impossible to establish accurately the numerical divisions within the House at any one time (for the House Journals rarely recorded the divisions on/

on a vote or the names of the voters), it can be said with certainty that the Tories never constituted a majority of the members (see Table 2). The key, therefore, to their political success was their ability to work with the moderates, which fact was fully appreciated by Francis Bernard and Thomas Hutchinson. Between 1765 and 1769, Francis Bernard tried unsuccessfully to forge a lasting Tory-moderate coalition, and, in order to inspire the friends of government and make them amenable to his political leadership, he used his speeches and addresses to try and precipitate ideologically charged confrontations within the House.

TABLE 2: TORIES IN THE HOUSE OF REPRESENTATIVES, 1764-1774.

<u>Election</u>	<u>Number of Representatives</u>	<u>Number of Tories</u>	<u>In Percentages</u>
1764	113	35	30.97
1765	114	41	35.96
1766	118	22	18.64
1767	120	29	24.17
1768	127	27	21.26
1769	130	12	9.23
1770	124	9	7.26
1771	122	11	9.02
1772	129	11	8.53
1773	132	8	6.06
1774	138	6	4.35

Sources: Appendix B; House Journals, 1764-1774, vols. XLI-LIII

But while the Tories and some of the moderates shared a common ideological outlook with Bernard, they rarely took collective action against the radicals in response to his bidding. Bernard's failure to inspire a court party can /

can be attributed not only to the overall strength of the Whigs, both radicals and moderates, but to the essential political weaknesses of the Tories and moderates who deserted the Whig faction. The Whigs ran anti-Tory electoral campaigns in which conservative candidates were proscribed as "traitors" to their country. Thus placed in an unenviable predicament, the friends of government had little or no desire to stand out in defence of an "oppressive", unpopular, "foreign" British power. Indeed, like the Whigs, they desired the repeal of the Revenue Act, Stamp Act and Townshend Acts. Paradoxically, while the Tories perceived the germ of social and political revolution in the radicals' resistance to British authority, they preferred to concentrate on the immediate issues at hand and rejected Bernard's overtures that made so much of ideological questions. They believed that if the unpopular measures were repealed without delay then peace would return to Massachusetts and the colonies.

1. Francis Bernard and the Friends of Government, 1764.

When Francis Bernard, an Englishman, career civil servant and Governor of New Jersey since 1758, assumed the governorship of Massachusetts, he came to a province divided against itself. The political factions of the 1750s had created many problems for the royal governors in their attempts to direct the colony's war effort against the French. The prerogative or Court party was a loose congregation of executive officers, judges, Anglicans and merchants. The popular or Country party also included men of these stamps, but attracted much support outside the General Court from merchants, shopkeepers, artisans and yeomen. Disputes between the two factions often concealed competitions for posts and places in the provincial administration. Bernard's predecessor, Thomas Pownall, had allied himself with the/

the Country party, and, on the whole, his period in office was a successful one.⁴

Bernard's main aim was to unite the factions behind a benevolent administration. To this end, he distributed patronage freely to both parties, although the number of posts at his disposal was quite small when compared to those available to the Crown in Britain.⁵ For example, he issued commissions for 462 Justices of the Peace, which represented about one in every hundred adult males in the province.⁶ He claimed he had "no other choice" but to remain above political disputes because he "found the province divided into parties so nearly equal, that it would have been Madness for me to have put myself at the head of either of them."⁷

Bernard, however, was criticised by conservatives and members of the Court faction, many of whom he would soon turn to for political support. John Cushing accused him of "Throwing about Commissions and promising almost Every body.... and so appointing persons in Civil and military stations Some Scandalous, Others Wholly unfit".⁸ Thomas Hutchinson, the leader of the Court faction, reasoned that a "governor in the plantations must support those who are friends to government as they cannot long support themselves."⁹ Hutchinson's allegiance was secured with his appointment to the vacant seat of Chief Justice (he was already the Lieutenant-Governor), by which action, of course, Bernard alienated the powerful Otis family.¹⁰

Bernard's idyll was shattered by the Writs of Assistance Case of 1761-1762 and the controversy over the Revenue Act. They convinced him of the need to build a pro-government faction in the assembly. Bernard looked to the men who were called "Tories", 1764-1766, to provide the nucleus of the friends of government in the House. The thirty-five Tories elected/

elected in 1764 were a potentially powerful political group. They formed over 30 per cent of the membership of the House. Moreover, their ranks included men with much political and public experience, such as General Timothy Ruggles, who had been elected Speaker of the House in 1762; John Winslow, who had commanded provincial forces during the French and Indian War; members of the Court faction during Pownall's day, Thomas Clap, Thomas Foster, Daniel Howard and Jacob Fowle. Nineteen of the Tories had served in the assembly during the 1750s, and nineteen represented constituencies in Plymouth, Essex and Middlesex Counties where the Court faction had had many supporters¹¹ (see Appendix B) and where now Toryism was prevalent.

However, during the the session of 1764-1765, the Tories did not take collective action in support of Governor Bernard, nor form a durable coalition with the moderates. We can see this if we examine the Tories' reponses to three issues which divided the House: the debate on the petition sent to Parliament in November, 1764 concerning the Revenue Act and proposed Stamp Duty; in January, 1765, the choice of a province agent from three candidates - Richard Jackson, Thomas Hutchinson, and Israel Mauduit (the brother of the incumbent, Jasper Mauduit);¹² and in February, the vote on whether Thomas Hutchinson should receive a grant from the House for his services as Chief Justice. On each occasion, the result was in Bernard's favour, but the performance of the Tories made him more aware of their limitations as a government party.

When Bernard addressed the General Court after the May election in 1764, he did so in an atmosphere charged with uncertainty and apprehension because the Revenue Act had recently passed Parliament and news had arrived of Grenville's decision to press for the imposition of a Stamp Duty the following year. Bernard cautioned the House to "Lay aside all Divisions and Distinctions"/

Distinctions" in the coming session if they were to draw up petitions against the reforms.¹³ But he expected it to be a "very turbulent" term because of the influence of the Boston radicals, whose antipathy to the reforms and to himself was common knowledge. He was surprised by the ensuing proceedings: it "proved [to be] the most quiet and moderate [session] I ever knew, considering the importance of the matters that were debated and the length of the deliberation." ¹⁴

Bernard's amazement stemmed from the moderate tones of the General Court's petition calling for the repeal of the Revenue Act and duties on molasses and the abandonment of plans to tax the colonists. When the Council rejected the first draft, which had been prepared by the Boston representatives (Thomas Cushing, James Otis and Oxenbridge Thacher) and passed by the House, a three man committee, including Thomas Hutchinson (who was a member of the Council), was appointed to re-write it. The committee cut out several paragraphs that reflected the extremist views of the Bostonians. The revised version was accepted by the House and the Council, although there was protracted resistance from the radicals. ¹⁵

Bernard did not fail to acknowledge the crucial part played by Hutchinson in moderating the petition when he transmitted an account of the dispute to Britain. But the unexpected outcome reinforced a confidence in his own abilities at being able to influence the Tories and moderates in the House.¹⁶ He was told that his conciliatory speeches had had "considerable effects" on the friends of government, and he believed "it convinced them of the expediency of moderate and united Councils upon this occasion";¹⁷ whereas he had "no influence on the generality of the representatives".¹⁸

But Bernard did not command the unswerving political allegiance of the Tories and moderates, and, furthermore, he overestimated the strength of the friends of government. When Richard Jackson, Bernard's business agent and favoured candidate for the post of province agent, was elected to that office in January 1765, it was with a majority of only four votes in the House. Bernard had expected that at least three-fifths of the members would have voted for Jackson. But fifteen of "the best friends of government" did not attend when the votes were cast because, he claimed, they were kept away from Boston by the heavy snows. The absence of Tories from Boston because of bad weather, long travelling distances or other reasons was to prove a hindrance to Bernard's schemes throughout the 1760s. But on this occasion, the Tories were divided among themselves. Perhaps twenty initially supported the candidacy of Thomas Hutchinson.¹⁹

Bernard realised that for Jackson to win the election, in preference to the Whigs' choice of Israel Mauduit, he had to win the confidence of the pro-Hutchinson faction, but at the risk of splitting the Tories: "My first Care was to prevent the friends [of government]...being divided." In the event, only one Tory representative voted for the Lieutenant-Governor, after Hutchinson, no longer interested in the post, declared his support for Jackson and urged his friends to vote for him.²⁰

The political unreliability of the Tories showed itself again in February. Nearly half the Tory representatives (fifteen) either did not vote or voted in favour of the Whigs' motion to deprive Thomas Hutchinson of the customary award for his services as Chief Justice. (The other executive and judicial officers received their awards without votes being taken. The motion on Hutchinson's was in retaliation for the part he had played in revising the petition against the Revenue Act.) Consequently, the motion was only narrowly defeated, /

defeated, by forty-two votes to forty-one.²¹ This happened in spite of Bernard warning members in private that their refusal would strengthen the case of those British ministers who were lobbying for Crown salaries for colonial officials.²² More worrying for Bernard was the fact that prominent Tories Richard Saltonstall, Timothy Ruggles and John Chandler were absent from the House when such an important matter was being debated. The main Tory opposition to the Whigs came from the pro-Hutchinson faction, seven of whom had approved Hutchinson's nomination as agent. (See Appendix B.)

By the spring of 1765, it was clear that if Bernard was to mould the Tories and the moderates into a court faction, then he would have to "court" their allegiance. On the whole, however, Bernard did not attempt to "buy" their support with the offer of posts in the provincial administration. Eighty per cent of Tory representatives elected to the House, 1764-1774, were awarded commissions as Justices of the Peace. But of these forty-eight, 77 per cent were appointed during 1761-1762 when Bernard was still intent on placating all parties. Nor, we may deduce, did Bernard believe in giving positions to those whom he thought could be trusted politically, such as Timothy Ruggles, Israel Williams and John Worthington.²³ Only four Tory representatives received from Bernard posts other than that of Justice of the Peace: William Browne, Timothy Dwight, Joseph Lee and Oliver Partridge.)²⁴ This was in marked contrast to the policy of his successor, Thomas Hutchinson, who, for example, rewarded eight of the seventeen rescinders for their political loyalty with offices. (See Appendix B.)

Bernard was criticised by the Tories for his failure to cultivate their allegiance more fully. One particular comment by Customs Commissioner Henry Hulton demands our attention:

He/

He was perhaps too open & communicative[.]
 a person of less abilities and merit than
 himself with more address art and intrigue
 might have succeeded better. He...was
 not sufficiently disguised and did not practise
 enough of the courtly manner and courtly
 arts, for one in his Station. 25

These were the thoughts of an Englishman (c. post 1783) who spent seven years in Massachusetts, but who had a lifetime observing the backstairs intrigues of English politics. It is puzzling why Hulton should have thought Bernard "too open & communicative a person" and devoid of the ability to "practise" the art of Walpolean politics, because Bernard too was resident in the colonies for a relatively short period, 1758-1769, and thereafter lived in England and Ireland. It could be that Hulton pinpointed the special emphasis that Bernard placed upon ideas, arguments and ideology in his efforts to build and inspire a court faction amidst the rough and tumble of Massachusetts politics during the revolutionary era. After all, not only were the Whigs motivated by political ideology; so too were the friends of government. "Argumentative speeches" rather than patronage posts were to be Bernard's main political weapons in his battle with the Whigs.

2. The House and the Stamp Act Crisis.

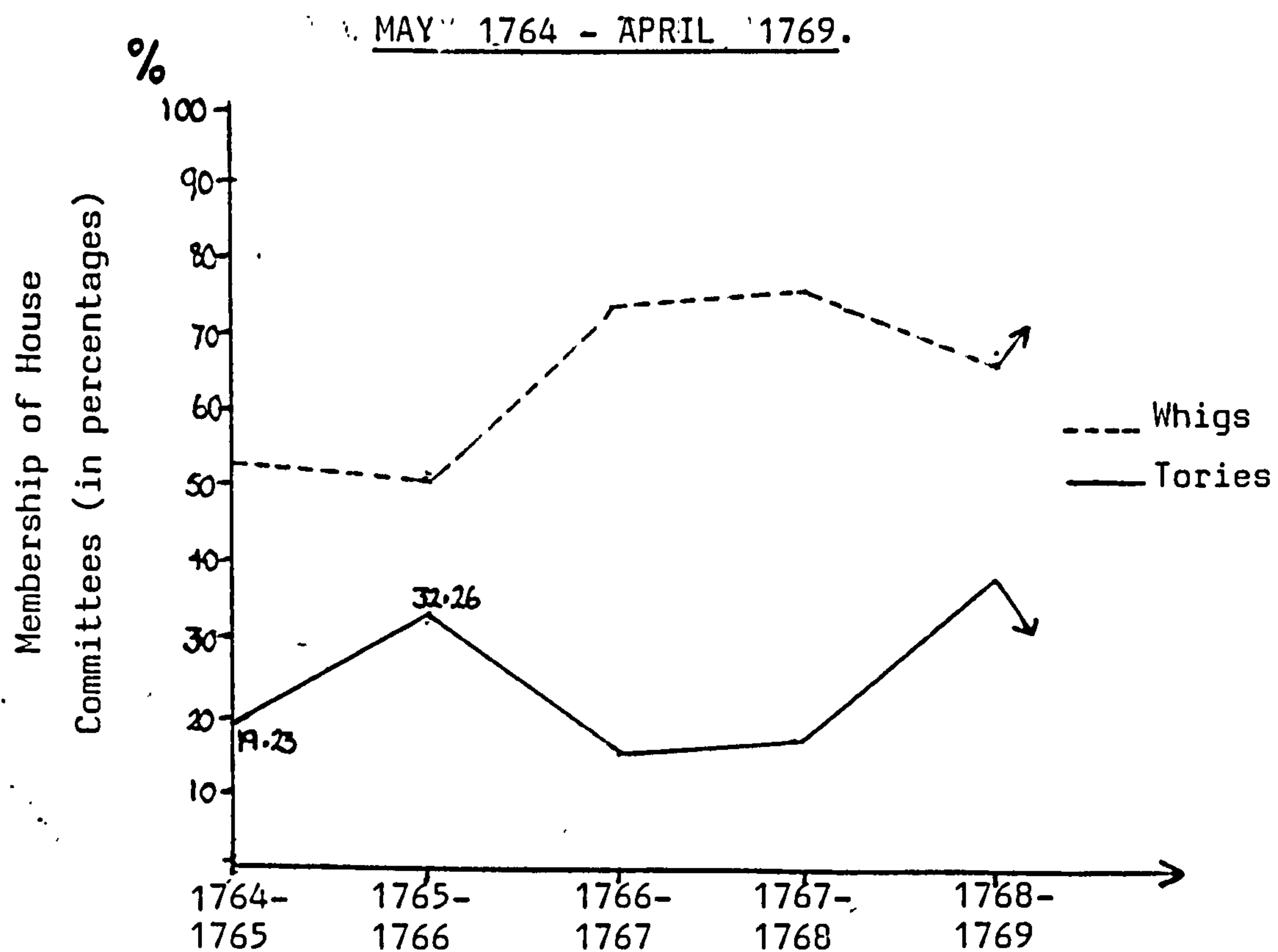
In 1765, the Stamp Act controversy excluded virtually all other matters from the political agenda. The arguments of leading Tory representatives Timothy Ruggles and John Winslow were clear and concise: Americans should submit to the execution of the act whilst petitioning for a repeal. If resistance to the execution of the act was undertaken, then the colonists could expect/

expect "that Fleets and Armies would be sent to enforce the Stamp Act." ²⁶

By late spring, the Tories' case had been severely damaged by Parliament's failure to act on the petitions sent from Massachusetts and the other colonies. (see Chapter Two, pp.65-67). Nevertheless, Governor Bernard still expected the House to see the wisdom of the Tories' counsel if it chose to draw up a petition against the Stamp Act.

Bernard's confidence was based upon a number of considerations, but principally on the results of the May elections to the House. A net gain of six members took the total number of Tories to forty-one, roughly one-third of the representatives (see Table 2, p.86). The Tories were still a potentially powerful and influential faction, and would be even more so if they could join forces with the moderates. Together, the Tories and moderates would have constituted a majority of the House. During the session, the number of places on House committees allocated to the Tories rose by 13 per cent, thus improving the Tories' political standing in the chamber (see Table 3). Bernard informed Richard Jackson that now "The friends of government are so greatly superior; that, it seems, they must prevail in the end." ²⁷ He was sure that despite the "ill temper" raised by the radicals over the introduction of the Stamp Act, "the prudent part of the House will prevail." ²⁸ In the Governor's opinion, the "Moderation and Decency" of the General Court's petition against the Revenue Act and prospective Stamp Duty compared favourably to the extremist claims concerning the colonists' rights of self-taxation set forth in the Resolves of the Virginia House of Burgesses, recently printed in the Rhode Island newspapers. He trusted that the moderates who so far had remained loyal to the Whigs would be appalled by the spread of radical doctrines and would come over to the Tories' point of view. Furthermore, the Tory/

TABLE 3: TORY AND WHIG MEMBERSHIP OF MAJOR HOUSE COMMITTEES, *



ANNUAL SESSIONS OF THE GENERAL COURT.

Session	Major committees	Total No. of Appointments	Tory Appointments	Whig Appointments
1764-1765	15	78	15	41
1765-1766	10	93	30	48
1766-1767	19	104	17	75
1767-1768	16	86	15	65
1768-1769	5	30	8	20
	<u>65</u>	<u>391</u>	<u>85</u>	<u>249</u>

*Major committees are those whoses duties were concerned with important political matters, for example, preparing and presenting addresses to the Governor or reports on the "state of the province". They do not include committees whose functions were mundane, such as supervising the printing of the House Journals, or those appointed to consider the petitions of individuals or towns.

Source: House Journals, 1764-1769 vols.XLI-XLV.

Tory dominated Council was expected to urge the House to be cautious.²⁹ However, there was a note of apprehension in Bernard's reports that recalled the lessons of the previous session. Tories and moderates were yet to be made amenable to his leadership and political discipline: although they were "generally favourable to Government", Bernard admitted that he "can't promise that they will be advised" by him.³⁰

The Stamp Act Riots in August and the spread of radical anti-Toryism altered Bernard's perspective of his relationship with the Tory and moderate representatives. A sense of urgency to have the Stamp Act implemented on the day it came into force, November 1, propelled him on a hitherto uncharted course of confrontation with the House designed to win the support of the friends of government for the execution of the act. It was taken after long, sober consideration, yet it can be said that Bernard greatly misjudged the nature of the political climate.

Even after the disturbances in Boston, Bernard never surrendered all hope of executing the Stamp Act. He resolved "not to give it up till the last hour."³¹ An opportunity came on September 25 when, after agreeing to the Council's request to call the General Court, he was to address the assembly. It would be his "last and strongest effort."³²

I had observed the Violence of the mob
had intimidated some of the best people
in the province, and left the Cause of
King and Parliament without an advocate.³³

Bernard intended to make an abrasive, forthright attack on the radicals' strategy of resistance. His speech was designed to raise questions concerned with the effects and consequences/

ences of resistance to the authority of Parliament, and reiterated the basic doctrines of Tory ideology - that resistance was productive of social and political disorder, and would provoke retribution from Britain. Bernard offered an alternative course of action to achieve the repeal of the act: remonstrances, petitions and private letters praying for the indulgence of the King, his ministers and Parliament. It would be an "antidote" to the radical poison in the Boston newspapers.³⁴

The political strategy behind Bernard's speech was to inspire a Tory-moderate backlash against the radical Whig leadership, thereby enabling him to win the approval of the House for the execution of the Stamp Act. It was

addressed to a particular people and for particular purposes, which requires me to treat a delicate subject with more Freedom than I should have done, if my cause had not required it. 35

Bernard decided that after he had spoken he would adjourn the assembly. This would allow the friends of government, now heartened by his attack on the Whig leadership, to elicit support among their constituents for his policy. When the representatives reconvened, therefore, they would be more prepared to endorse proposals for the implementation of the act.³⁶ The province newspapers always reprinted the governors' addresses and the replies of the House, so Bernard was guaranteed maximum publicity for his attack on the radicals.

Bernard's sanguine expectations were not shared by his confidants. He was "advised by some who wish me well [probably Thomas Hutchinson and Andrew Oliver], to say as little on the subject as possible, but...saw the necessity of acting otherwise."³⁷ He was "particularly cautioned against speaking freely" for "the People would not hear of a Submission to"/

to" the Stamp Act. ³⁸

Bernard discussed three topics in the address: the social and political consequences of resistance to British authority; the closure of the courts and customs houses if the act WAS not implemented on November 1; and the possibility of the General Court granting financial compensation to the victims of the Boston riots (Andrew Oliver, Thomas Hutchinson, William Story, and Benjamin Hallowell). Undoubtedly, Bernard chose to discuss the first two topics because they were the most serious problems that his government would face if the act was not executed. With the subject of compensation, however, Bernard presented the House with an opportunity to atone for the violent actions of the rioters. This was Bernard's idea, not that of the British government. It was not until the spring that Bernard received approval of this proposal from Henry Conway, Secretary of State for the Southern Department in the Rockingham administration. ³⁹

"Disobedience" to the Stamp Act, declared Bernard, was "productive of much more Evil than a submission to it." He called on the "whole legislative power" to uphold the authority of Parliament. For Bernard, like the Tories, resistance to that authority in this instance would weaken the power of the provincial government to execute other acts of Parliament, undermine the structure of civil society and provoke the British government to take coercive action against the province.

If the parliament declares that this right [of taxation] is inherent in them, are they likely to acquiesce in an open and forcible opposition to the exercise of it? Will they not more probably maintain such [a] right, and support their own authority? Is it in the will, or in the power, or for the interest, of this province to oppose such authority? If such opposition should be made, may it/

may it not bring on a contest, which
may prove the most detrimental and ruinous
event which could happen to this people?

Bernard used the second topic, the closure of the courts and ports, important in itself though it was, to illustrate the broader issues of law enforcement and the consequences of resistance.

All public offices must be shut up: for it cannot be expected, that any officer should incur penalties much beyond all he is worth, for the sake of doing what must be null and void when it is done.

Citizens would be unable to sue for debt and injury, and criminal proceedings would be suspended. "Fraud and Rapine" must surely follow. The closure of the ports would cause widespread unemployment among seamen and all connected with commerce: social discontent would be the result of economic hardship and social deprivation. Here, Bernard's rhetoric was enlivened by a vision of impending class conflict that was characteristic of Tory ideology:

What will become of the tradesmen who immediately depend upon the navigation for their daily bread? Will these people endure want quietly without troubling their neighbours?...Are there not numberless other families, who do not appear immediately concerned in trade, and yet ultimately depend upon it? Do you think it possible to provide for the infinite chain of the dependents upon trade, who will be brought [down?-printing error in source] by the stopping of it?

To prevent such disasters, Bernard advocated submission to the execution of the Stamp Act.

His call for compensation for the victims of the Boston riots was a calculated move. On the one hand, if the House agreed of its "own accord", said Bernard, it would offset any attempt by the British government to force resititution.. On the other hand, if the House refused, it implied that the representatives, including the friends of government, condoned mob violence and the destruction property as legitimate forms of political action (attitudes which Bernard always maintained were revolutionary and banalistic, and unfit for men of their social standing.) More disturbing still, he told the House, was the probability of Britain taking steps to enforce the act, though he did not specify what measures he feared.

Bernard acknowledged that Whig anti-Toryism countermanded the effectiveness of conservative and moderate arguments. He realised "how dangerous it is to speak out at this time." But nevertheless, it was the duty of the House to see that acts of Parliament were enforced. The Whigs, however, were destroying the best chance of having the Stamp Act repealed. ⁴⁰

By this speech, Bernard played for maximum political effect upon the Tories' fear of social and civil disorder, rather than attempt to win outright their confidence or that of the moderates'. Two weeks before, he had decided that this strategy was the "means...to Open their Eyes in the General Court...[to action] necessary to save their Country from immediate Ruin." ⁴¹ Later, he explained to Secretary Conway that he employed every conceivable argument to convert the members - except one: that protracted opposition to the authority of Parliament could result in the forfeiture of the Charter, "because it might have [had] the appearance of a threat." ⁴² Had he used this argument (as he would in 1768), he might have alienated the moderates. His call for compensation he hoped would unite/

unite the moderates and Tories. As it was, Bernard greatly misjudged the mood and disposition of the members.

The Governor had indeed, said John Adams, "painted a dreadful picture of the times."⁴³ But Bernard's address did not have the impact that he had hoped it would. Although it was "better received" than he expected, and the House paid it the "unusual compliment" of ordering copies to be printed, it did not visibly bring the Tories or moderates closer together or over to Bernard's point of view. He adjourned the assembly as planned after only three days. He suspected that the committee which had been appointed to prepare a reply fully intended to adopt a radical stance and challenge the very basis of Parliament's right to tax Americans: He saw no reason to give them an opportunity of airing their views.⁴⁴

The House met again twenty-six days later, and the committee delivered its report on October 24. Bernard at once acknowledged his failure. The Whigs had "entirely triumphed over the little remains of Government", for the House's reply to his speech "perverted the necessary obligations of my duty. [to enforce the Stamp Act], into a voluntary attack of [meaning on] the liberties of the people, and thereby representing me... as an Enemy to the Province."⁴⁵

The House berated the Governor for his thinly disguised accusations of disloyalty to Britain and the King. "An odium was intended to be thrown on the province." The House contradicted Bernard's prognosis of social and civil disorder, and re-affirmed its opposition to the Stamp Act.

This House...has too great a reverence
for the supreme legislature of the nation,
to/

to question its authority: It by no means appertains to us to pressure to adjust the boundaries of the power of parliament; but boundaries there undoubtedly are.

The House would continue to advocate a repeal of the Stamp Act on the grounds that it infringed their constitutional liberties. The representatives could see no prospect of revolution. Although the courts and ports were likely to be closed, the "estates of the people will remain guarded from theft or open violence. There will be no danger of force of arms becoming the only governing power." (This statement is an excellent example illustrating John Reid's point that the Stamp Act riots demonstrated that to enforce unpopular acts of Parliament, the provincial government had first to accept "Whig ordained conditions", see Chapter One, p.29.)

In such a belligerent, free-talking mood, the House rejected Bernard's suggestion that it compensate the victims of the riots. The members denied it was a public responsibility, for the crimes "committed by a few individuals" should not be "chargeable upon the whole community." They could see no reason to do it upon this and not "on any different occasion." They were not "convinced" that restitution would discourage "such outrages in times to come." Bernard had never indicated that it would, only that it could prevent Britain from making a direct request.⁴⁶ The House artfully twisted the context in which Bernard's proposal was first made: instead of being the issue on which to unite the friends of government behind him, it was made to sound ludicrous and quite unrealistic.

The House's reply was prepared by a committee of thirteen representatives: six were Whigs, five were Tories and the other two were moderate non-aligned members. The Whigs included/

included radicals Thomas Cushing, Samuel Dexter and Joseph Gerrish. According to Thomas Hutchinson, these men were "zealous for liberty". The Tories on the committee were: John Winslow, Thomas Foster, Thomas Clap, William Bourn and Joseph Lee. According to John Adams, the first three "were for submission in order to obtain a repeal [of the Stamp Act]." Later, all five were named in the Black List of Tory representatives.⁴⁷ Four other Tories were members of the delegation which brought the House's address to Bernard: Richard Saltonstall, Andrew Oliver Jr., Israel Williams and Sampson Stoddard. On October 25, Winslow, Clap. and another Tory - William Browne - joined radicals Cushing and Samuel Adams (who had been elected for Boston to replace the deceased Oxenbridge Thacher) on a committee to consider the difficulties to be expected from the closure of the courts.⁴⁸ Membership of committees is not an accurate indicator of political opinion on a particular issue, for reports were adopted by a majority decision. But in view of subsequent developments, it could be that the Tories, although in the minority in the House and on the committees listed above, for the moment joined forces with the Whigs to reject Bernard's overtures and in opposition to the Stamp Act.

On October 29, the House adopted a declaration of "inalienable" rights. In a series of fourteen resolves, the House asserted the colonists' right of exemption from direct taxation by Parliament. To support this claim, the House cited the list of now familiar Whig sources: the Charter, the British Constitution and natural law.⁴⁹ To Bernard's relief, and probably with the approval of the Tories and the moderates, the declaration was made more "decent" by the inclusion of a clause which stated that American political and constitutional rights were "consistent with a subordination to the supreme power of Great Britain."⁵⁰

There is no reason to suppose that the majority of Tories and moderates opposed the declaration. Before it was adopted, Bernard observed that there were no representatives willing to obstruct its passage or challenge the doctrines it contained:

At present the Denial of the parliament's right to tax this Province is only the Assertion of the people in particulars (sic) parties; in a few days it will probably be the Vote of the Representatives. 51

The resolves were then "unanimously" approved when the House was three-quarters full.⁵² The acquies^cence of the Tories and moderates in this instance can be explained by the fact that the "subordination" clause mentioned above allowed them to reconcile their opposition to the Stamp Act with their loyalty to Britain and the sovereignty^t of Parliament. Moreover, the House did not actually debate proposals to suspend the implementation of the Stamp Act until October 30 and 31, after the resolves had been accepted. (A motion was presented stating that because Andrew Oliver had resigned as Distributor and Governor Bernard did not have the authority to distribute the stamps, then it would be unlawful for the people to do business without them. No action was taken on this motion, for the members decided to wait to hear of the deliberations of the Stamp Act Congress.⁵³)

With the benefit of hindsight, we can see that Bernard underestimated the capacity of the Whigs and Tories to work together in legal protests against the Stamp Act (though not, of course, to defeat its execution.) They were hostile to the Governor for his attempt to divert their attention away from the immediate issue at hand and focus it upon the less tangible matters of potential class conflict and civil war. Paradoxically, although Bernard discoursed upon the fundamental /

fundamental doctrines of Tory ideology, the Tories and moderates refused to take action in response to his bidding or follow the dictates of their "ideological conscience". For one thing, the friends of government were opposed to the Revenue Act and Stamp Act, and until the end of October that opposition in the House, but not outside, was consistent with legal, moderate remonstrances. For another, we may presume that they had no desire to sacrifice their reputations for a measure introduced by the Grenville administration, which since had been replaced by that of the Duke of Cumberland and the Marquis of Rockingham (which soon was disposed toward repealing the measure.) Nor, we may surmise, were the Tory representatives any more willing than their counterparts outside the assembly to place their trust in an unpopular governor and run the risk of being labeled as "traitors" or "enemies" to their country, or perhaps even have mobs destroy their property.

Bernard had also hoped to win support in the towns. But there is nothing to indicate that they were any more sympathetic to his cause than the House. In the session of 1764-1765, over forty towns had instructed their representatives to oppose the Stamp Act.⁵⁴ After September, 1765, Bernard expected that his main support in the country would be in Salem, Marblehead, and Newburyport, whose inhabitants he considered "well disposed to government". But Salem's deputies William Browne and Andrew Oliver Jr., and Marblehead's Jacob Fowle and William Bourn were instructed to work for a repeal of the act.⁵⁵ Dudley Atkins of Newburyport, and the Tories representing Bridgewater and Plymouth were instructed to oppose the act and the call for compensation as they prepared to take their seats for the October session.⁵⁶

Defeat left Governor Bernard politically isolated, yet surprisingly/

surprisingly unbowed. He offered excuses for the setback: the friends of government stayed away from the assembly on account of the mobs and "madness" in Boston.⁵⁷ He conceded, however, in a letter to Conway, that "by Artifice prejudice and Passion, good Men and bad Men are unaccountably confounded together", yet insisted that a "little time & Management will separate them and bring them under their proper Arrangements." ⁵⁸ He repeated his request for compensation on November 8, and again instructed the House that submission to the execution of the Stamp Act was "the Readiest means to obtain a repeal." He pleaded with the members to understand the unenviable position in which he and other senior officials had been placed by the act. "It brought upon me a necessary Duty which, it seems did not coincide with the Opinions of the People. This is my offence, but it is really the offence of my office." Once again, Bernard could not get the members' support for his policies, and with the advice of the Council informed Conway that it would be better if "some Means may be found to make it consistent with the Dignity of Parliament to put the Stamp Act out of the Question at least for the present." ⁵⁹

3. Timothy Ruggles and the Stamp Act Congress.

The first indication Bernard received that the Tory representatives were prepared to follow his leadership came with the apostasy of Timothy Ruggles, one of the Massachusetts delegates to the Stamp Act Congress at New York.

Whigs and Tories both supported the proposal for a continental congress. The committee which, in June, had made the proposal, included more Tories than Whigs (Ruggles, Partridge, Worthington, /

Worthington, Winslow and Saltonstall). Bernard underestimated the Tories' commitment to the idea. Since they found it "impossible" to oppose a popular scheme, he reasoned, they "took to lead in it, and have kept it in their Hands." ⁶⁰

The House elected three delegates to attend the Congress at Philadelphia: Timothy Ruggles, Oliver Partridge and James Otis. Ruggles and Partridge were favoured by the Tories and the moderates; Otis was the darling of the Whigs.

Ruggles, like Otis, was a popular choice. He had first sat in the House in 1736, and had represented Hardwick since 1754. He was elected Speaker in 1762 and to the Council two years later (although he refused the seat on the Board.). He had gained the rank of Brigadier-General in command of provincial forces during the French and Indian War. Ruggles was much respected in the House. He had, said John Adams, "the most constant Prescence of Mind." His "Grandeur" consisted "in the quickness of his apprehension, Steadiness of his Thoughts and Expressions, his strict Honor, conscious Superiority, Contempt of Meanness &c. People approach him with Dread and Terror." At first, Ruggles did not wish to be selected for the Congress, but accepted the invitation after John Worthington declined. ⁶¹

Following the recommendations of a committee on which both Ruggles and Partridge served, the House instructed the delegates to assist in composing addresses to the King and Parliament praying for the repeal of the Stamp Act. On no account were they to sign any document which conceded that Americans were "in any manner Represented in Parliament". Nor were they to "Urge, or consent to any proposal for a Representation." ⁶²

It/

It is the expectations of the House that a most loyal and dutifull Address to this Majesty and his Parliment [sic] will be prepared by the Congress, praying as well for the Removal of the Greivances [sic] the Colonies labour under at present, as for the preventing others for the future; which Petitions if drawn up, as far as you shall be able to judge agreeable to the mind of this House [emphasis mine], are empowered to Sign and forward, and you are to lay a Copy of the same before this House, and make report of Your proceedings upon your Return. 63

Bernard approached the two Tory delegates in private, and tried to bring them round to his way of thinking. On September 20, he sent Ruggles a copy of the speech that he was to deliver to the House five days later. The Congress, he reasoned, could help restore the authority of the provincial government by recommending obedience and submission to the Stamp Act.

If your Council [the Congress] should be of the opinion, with me, that a Submission to the Act for the present is quite necessary to the Measures taken for its Repeal; and should recommend such a proceeding to their several people, I believe it would be complied with in this province: and that is the only Prospect I have of saving it from Ruin. 64

Bernard apologised for intruding upon Ruggles's commission, but reiterated the significance of the task that lay before him:

Nothing could have induced me to have interfered in the business you are now engaged in but the extreme danger I conceive the province to be brought in by the indiscretion of the people. 65

We may deduce that Ruggles and Partridge gave assurances that/

that they would follow the Governor's advice. Bernard was quietly confident that the two Tories could moderate the resolutions or petitions of the Congress. Partridge and Ruggles "are of the same way of thinking", he told John Pownall;⁶⁶ "Prudent and discreet men such as I am assured will never consent to any undutiful or improper Applications to the Government of Great Britain."⁶⁷ (Subsequently, when Ruggles had denounced the proceedings of the Congress, Bernard described him as a "very valuable Man" of "a most respectable Character and noted for his good Sense, Integrity and Honour."⁶⁸ Perhaps this praise for Ruggles's compliance was intended to show the ministry that Bernard did have some influence over the Tories.)

When Bernard realised that his speech to the House had failed to attract enough support for the execution of the Stamp Act, the role of Ruggles and Partridge seemed even more crucial. The "only possible means of procuring his success", wrote Bernard, was for the Congress to recommend to the colonial legislatures that they submit to the execution of the act whilst petitioning for its repeal. It was a last desperate effort on Bernard's part to hope that Ruggles and Partridge could persuade the Congress to do what the Massachusetts assembly had refused.⁶⁹

When they arrived at New York, Timothy Ruggles was elected President of the Congress, defeating James Otis by just one vote.⁷⁰ But Ruggles refused to sign the petitions approved by the delegates, and left New York before the Congress adjourned on October 24. Otis and Partridge both signed the petitions.

Why did Ruggles not sign the petitions?

When it became evident that Ruggles would not subscribe, one young radical, Thomas McKean of Pennsylvania, challenged him/

him to a duel. Ruggles left before McKean could carry out his threats.⁷¹ This surely was not the reason for Ruggles's early departure: this fifty-four year old war veteran was not the sort of man who would shrink from personal confrontations.

There was an element of personal rivalry that determined Ruggles's conduct, but it involved James Otis not Thomas McKean. Ruggles and the Otis family had long been at odds. Until he moved to Worcester County in the 1750s, Ruggles had been the Otises' major competitor in the legal profession in Barnstable. In politics too, they had taken different paths: Ruggles belonged to the Court faction of the 1750s, then the Tories, while the Otises left the Court party for the Whigs. Ruggles was elected Speaker of the House in 1762 after James Otis had declined the honour and then tried to block Ruggles's nomination on the grounds that as Ruggles was Chief Justice of the Worcester County Inferior Court he should not be permitted to hold both posts.⁷² At the Stamp Act Congress, Ruggles may have suspected that Otis was organising a radical conspiracy to have the petitions made more extreme.

Primary information concerning the debates and proceedings of the delegates is sparse. Nevertheless, it has been shown that "the principal disagreement" between the delegates was "whether to balance the denial of Parliament's authority to tax the colonies with an acknowledgement of what authority it did have."⁷³ Many delegates believed that Parliament possessed only a superintending authority to make legislation for the colonies, and this did not include the right to levy direct taxes.⁷⁴

Ruggles did not lead a conservative junto in defence of Britain's powers of taxation or to question the majority opinion over what rights the colonists possessed. Only one/

one other delegate out of the twenty-seven who attended, Robert Ogden of New Jersey, refused to sign the petitions on account of their contents, although others declared they could not subscribe because they had no mandate from their assemblies to do so.⁷⁵

Ruggles presided over the debates without making any significant protest at the political ideas that were discussed. At one stage, he moved that the address to the King be sent to the colonial assemblies for approval before being dispatched to Britain. He claimed that this proposal was seconded by "divers members", and a "long and warm" debate ensued before it was rejected.⁷⁶ If Ruggles did fear a radical conspiracy, he did little to rally the other delegates against it.

We may discount Ruggles's active opposition to the radicals as a major reason for his apostasy. The petitions and Declaration of Rights and Grievances adopted by the Congress contained doctrines with which Americans were familiar, and that moderates who opposed the Stamp Act could have accepted without too much difficulty. They said nothing new or extreme in respect of their discourse on Americans' political and constitutional rights. (They did, however, recommend that each of the colonial assemblies appoint a special agent to receive their petitions against the Stamp Act. Massachusetts elected Dennis De Berdt.)⁷⁷

Ruggles's own testimony of why he did not subscribe to the petitions, though not watertight in its logic, is, nevertheless, probably the most accurate explanation, for it contains the ~~ab~~^struse thoughts and recollections of a man tormented by doubt and indecision that what he was elected to do was contrary to his deeply felt political principles and ideology.

He offered four main reasons. He quoted the instructions issued/

issued to him by the House, and argued that the decision on whether to sign the petitions lay wholly with him ("as far as he shall be able to judge".) Here, Ruggles believed he was on solid ground, for he was a member of the committee that had prepared the instructions. Secondly, he justified his refusal on account of the decision to overrule his motion and send the petitions direct to Britain without seeking the prior approval of the colonial legislatures. Ruggles held that his scheme would have "authenticated" the documents and deliberations. Thirdly, Ruggles claimed that the petitions and Declaration were unrepresentative of the views of most Americans. He noted that Nova Scotia, New Hampshire, North Carolina and Georgia did not send delegates to the Congress, while those from New York, South Carolina and Connecticut did not subscribe because they had been given no mandate to do so from their respective assemblies. Finally, Ruggles expressed his alarm at the petitions' claim that Parliament did not have the authority to impose direct taxes on Americans. "However true", this was, he wrote, "I could not bring myself to adopt [it]." ⁷⁸ Like many Tories who disapproved of the Stamp Act, Ruggles was not prepared to countenance a rejection of Parliamentary supremacy.

The Whigs were to make much political capital from Ruggles's "neglect of duty". But they also made some valid criticism of his testimony that attests to the crise de conscience Ruggles experienced during October, 1765. Ruggles did not quote any passages or extracts from the petitions that offended him. Thus, "had the petition[s] been altered an hundred times, he might still, under the same pretext, have refused to sign". As Ruggles was well aware, the instructions from the General Court did not bind him to seeking the prior approval of that body. Ruggles's behaviour was that of a man pleading "conscience for committing the worst of crimes." ⁷⁹ Ruggles was,/

was, as the Whigs realised, a political dissenter who followed the dictates of his Tory ideology.

Ruggles never mentioned his contact with Governor Bernard before he left for New York. According to one Whig, Ruggles "had secret instructions from a certain quarter to use his endeavours to render the general design of the Congress abortive" and "was fully determined not to sign anything."⁸⁰

It is possible indeed that Ruggles went to the Congress with absolutely no intention of participating in any proceedings that challenged British authority in the colonies. The case for this is supported by the evidence of Ruggles's early departure from New York and by Bernard's letter to him of September 20. But we must not overlook the fact that Ruggles made his own decisions. He may have been Bernard's secret envoy, but as President of the Congress he took an active part in the proceedings until he decided that it was time for him to make his move. He was not a passive observer who, from the beginning had no intention of co-operating with the other delegates.

The House of Representatives did not debate Ruggles's conduct until February 6, 1766. On the 12th, the members voted to censure him for not signing the Congress's petitions. He appeared in the chamber the following day with a request to have his testimony printed in the House Journals. This was refused on the 19th, by which time the members had had time to peruse a copy of the testimony. Three months later, the Boston Gazette and the Boston Post-Boy and Advertiser published it.⁸¹

In the autumn and winter of 1765-1766, Timothy Ruggles was a lone figure willing to defy the Whigs and support Governor Bernard - a "Squadron of one ship".⁸² Bernard's anxiety deepened when, on January 22, only five Tories opposed the Whigs' motion that the courts should proceed to business without using stamped papers. Eighteen Tories were among those who voted in favour.⁸³ Bernard explained to Conway that "some of the most assured friends of government were frightened into voting for the Question." They were "told that [if] they voted against it they would not be able to return in Safety to their homes." ⁸⁴ After the treatment meted out to himself, Andrew Oliver and Timothy Ruggles, Hutchinson concluded that there was one particular reason for the failure of the Tories and moderates to support the Governor's policies - the effectiveness of Whig anti-Toryism which portrayed opponents of the protest movement as collaborators with an oppressive foreign power:

Had our confusions, in this province, proceeded from any interior cause we have good enough men in the country towns to have united in restoring peace and good order and would have put an end to the influence of the plebian party in the town of Boston over the rest of the province. But as our misfortunes are attributed to a cause without us, many of those persons, who in other case would have been friends to government are now too apt to approve of measures inconsistent with government and unite with those whom they would otherwise abhor under a notion of opposing a common interest [,] a power which we have no voice in creating and which they say has a distinct and separate interest from us . ⁸⁵

From their contact with Tories outside the General Court, Hutchinson and Bernard concluded that Tory and moderate members were also deeply affected by the riots, anti-Toryism and Whig orthodoxy. They/

They were thus inclined to doubt the sincerity of the Tory representatives' opposition to the Stamp Act, and failed to see that they had little compunction in acting independently of or against the interests of the provincial government and Britain. Nonetheless, Hutchinson's explanation of their political behaviour, 1764-1766, gained greater credence in the coming years.

CHAPTER FOUR: BERNARD, HUTCHINSON AND THE FRIENDS OF GOVERNMENT
IN THE HOUSE OF REPRESENTATIVES, 1766-1770

Francis Bernard was confident that when the protests over the Stamp Act had died down he would be able to mould a Tory-moderate coalition in the House. But the elections to the House of May, 1766 irrevocably altered the balance of power in favour of the Whigs and illustrated the political effectiveness of anti-Toryism. Henceforward, the Tories were to be a small, politically feeble group in the House, and by 1769 were reduced to a mere handful. Bernard's deputy and successor as Governor, Thomas Hutchinson, made some gains in 1770, and thereafter concentrated his efforts on building a Tory-led moderate party in opposition to the radical-led Whigs.

1. The Election of 1766 and the Defeat of the Tories.

The Whigs' electoral campaign for the House began in late March some weeks before most towns elected their representatives for the new session beginning at the end of May. The Boston Gazette published a "Black List" of thirty-two of the current forty-one Tory representatives who were, thought Bernard, "distinguishable for their integrity Ability & general Reputation."¹ They were "proscribed...as Enemies to their Country; only for being in general Friends to Government, and having at times recommended/

recommended moderate and decent terms in the Representations against the Stamp Act." ² The Whigs agreed with Bernard that "there were many in both houses, who tho' they might not really like the act,...opposed a manly opposition[to it]." For this alone, they deserved to ^{be} labeled as "Traitors to their Country". ³

Whig propagandists instructed electors to inquire into the political conduct and ideology of their incumbent representative. Was he a plural office-holder? Had he tried to bribe them with liquor on election days? Had he actually declared against the Stamp Act in public? "Or were they for saying their Catechism in such a Manner as that his Excellency might call them good children, and give them a Sugar Plumb"? Other directives were more specific. Was he for complying with Bernard's "precious Advice" to submit to the execution of the Stamp Act? Had he voted for or against the resolution for the opening of the courts? How did he vote when the House censured Timothy Ruggles? (Unfortunately, the division on this vote was not recorded in the House Journals.) ⁴ Whigs also attacked the moderates who had sided with the Tories and "all who in this Time of Anxiety and Distress have been silent, affecting to be mighty Prudent, in order to keep in with both Parties." ⁵

The election brought a crushing defeat for the Tories. Their forty-one representatives were reduced to twenty-two, a net loss on nineteen. (The "purge" contributed to the 39 per cent change in overall membership.) ⁶ Although prominent Tories such as Timothy Ruggles were returned, the election registered local shifts in political power. Fourteen Tories who were ousted were never re-elected, despite the fact that many had sat in the House since the 1750s. John Adams rejoiced that Plymouth County had made a "thorough Purgation"/

Purgation" of its six Tory representatives. With John Winslow removed, Marshfield was served by the Whig Anthony Thomas until 1773. Five towns with Tory incumbents elected Whigs who served until 1774 (Ipswich, Groton, Plymouth, Scituate and Northampton.) Only five of the Tories turned out were ever returned to the House.⁷ (See Appendix B.)

Unfortunately for the Tories, the election coincided with the news, which arrived on May 16, that the Stamp Act had been repealed. With this in mind, electors gave their support to the Whigs, for it was evident that their strategy of resistance had been successful in overturning the much-hated act. Radical Whig leaders Samuel Adams, Joseph Warren and Joseph Hawley (for the first time) were elected. Above all, the election results demonstrated the political effectiveness of anti-Toryism. Henceforth, noted John Cushing, the Whigs were in the habit of "laying a Foundation" for the May elections by beginning their anti-Tory campaigns early in the year.⁸ These campaigns were successful. Between 1756 and 1764, the average length of service in the House for a Tory representative was 4.14 years, whereas from 1766 to 1774 it was 2.14 years (calculation based on Appendix B.)

The election of 1766 confirmed the political ascendancy of the radical-led Whig party. Not even in Salem, Plymouth, Worcester, Marshfield or Marblehead, where they were the most numerous outside of Boston, did the Tories ever break the stranglehold of the Whigs, although they did manage to rally considerable local support on certain issues.⁹ In Hampshire and Berkshire Counties and in parts of Worcester differential political behaviour acted as a counter weight to the power of the Whigs, and until 1774 the West in general showed little interest in the Whig cause. But it would be misleading to attribute the "disinterestedness" of Westerners to Toryism.¹⁰ The Tories were/

were politically weakest in Boston,¹¹ although in 1770 and 1774 they were able to join with the dissident moderates to challenge the Whig party. One reason for the success of the Whigs in Boston was the influence which they extended over voters through the party "caucuses" and voluntary associations.¹² And with the Sons of Liberty, and later the committees of correspondence, the Whigs built a provincial and inter-provincial political network. The Tories or the friends of government never created any such organisations that could have co-ordinated and systematized their opposition to the Whigs.

The election results left Governor Bernard downhearted. He consoled himself with the thought that "the friends of government appeared to be more numerous than was expected; & among them were some of the ablest Men in the House." But he admitted to Richard Jackson that with "The Friends of Government... outnumbered in the House", he did not "much expect" them to "Turn...the present humour."¹³ His first concern was to reject the choice of James Otis as Speaker. He accepted the nomination of Thomas Cushing who "had given no notorious Offence to Government". Bernard then proceeded to negative six of the councillors elected by the House. And with this "bold-stroke", he continued with his efforts to build a court party from among the friends of government.¹⁴

2. The Compensation Issue.

In the spring of 1766, Secretary Conway instructed Bernard to procure from the House compensation for the victims of the Boston riots. The House eventually agreed to make compensation, but the bill which passed was in a form quite different from what Bernard or Conway intended, for it flouted British authority. The/

The episode illustrated the political weakness of the Tories in the House and their collective inability to work with the moderates in support of the royal governor. Whatever minor successes came Bernard's way were due to political opportunism, and were not the result of a carefully planned strategy or the strength of the friends of government.

On June 3, Bernard presented to the House a copy of his most recent instructions from Henry Conway. Enclosed were copies of the act repealing the Stamp Act and the Declaratory Act. In view of the repeal, it was the desire of the King "that a veil should be cast over the late Disturbances, provided it be covered by a general and uniform dutiful Behaviour for the future." In the spirit of the Declaratory Act, the conciliatory overtures were tempered by a threat: if the colonists returned to their "offensive Conduct", it will "be necessary to draw a line to distinguish who are and who are not the proper Objects of the gracious Intention of the King and Parliament." The question of loyalty was the mask concealed by the veil. One condition of the British government's pardon for Massachusetts was that the General Court should make "full and ample compensation" to those whose property had been destroyed in the Stamp Act Riots.¹⁵ In February, Parliament had decided that the victims of the Boston riots and the Distributors of other colonies should be reimbursed by the colonial assemblies. It should be noted at this stage for future reference that Conway's letter to Bernard enclosed a copy of the House of Commons resolutions on the question of compensation and not those of the House of Lords which contained the explicit directive that the royal governors should "require" the assemblies to make compensation.¹⁶

In transmitting Conway's instructions, Bernard was "determined to speak plain...in order to prevent all Equivocations and Subterfuges."¹⁷

Subterfuges." ¹⁷ He suspected that if the House refused Conway's request, the British government would force the General Court to comply (how, he did not say) and use the Declaratory Act to justify such action. Bernard communicated his concern to the House in his address. He explained that the "justice and humanity of this requisition [emphasis mine] is so forcible, that it cannot be controverted. The authority with which it is introduced, should preclude all disputation about complying with it." ¹⁸ In this passage, Bernard repeated the hawkish directive of the Lords' resolution on compensation. He no doubt calculated that Conway's reputation as a "friend" to the colonies would also induce the House to comply. (Conway had made a speech against the Stamp Duty in February, 1765, that had been widely publicised in America. In addition to his ministerial duties, he was Leader of the House of Commons for Rockingham's administration.) ¹⁹

The House neglected to act upon Bernard's urgent plea and postponed consideration of compensation until the autumn session. The reason given by the members was that they needed to consult with their constituents over such an extraordinary matter. ²⁰

The friends of government did challenge this decision however. But their motion to overturn the House's vote was defeated. And the Tories, considerably weakened by the May elections, were allocated just one member of the committee which was appointed to prepare the reply to Bernard's speech (Oliver Partridge.) The committee's report was accepted by the House and reflected the opinions of the Whig majority on the committee and in the House. ²¹ If the House saw fit to grant compensation, it read, it would not be "an act of justice, but rather of Generosity." It repeated the earlier claim of the members that they did not have a mandate "to/

"to make their Constituents chargeable" with any extraordinary expense. But the House did not ignore the ministry's warning and agreed to consider compensating the victims, but only after a committee undertook an investigation to establish the identity of the rioters and make them, rather than the province, provide financial compensation.²²

It was an absurd task, for it was over nine months since the riots had occurred, and then the government had been forced to release Ebenezer McIntosh: there was little chance of being able to discover who actually had planned the destruction of Oliver's and Hutchinson's properties. Bernard remarked wryly, "I dare say it will be no difficult work to trace this matter to the Bottom." He berated the House for being "tame Spectators of the Violence committed."²³ The House responded to the name-calling and declared that they were not obliged to grant compensation because Hutchinson, Oliver, Hallowell and Story had never actually petitioned the General Court for relief.²⁴ This much was true, and the following October the four presented their petitions.

After receiving this "most weak and impudent final Answer", Bernard prorogued the General Court.²⁵ He did not expect the House to resume the business of compensation in the autumn session. Indeed, Bernard would have preferred to drop the matter. He did not care to "expose the Dignity of the King and Parliament to further Contempt," if he "should again call the Assembly together for this purpose only."²⁶ This statement was a frank admission of his political isolation. But the royal instructions compelled Bernard to continue in an unequal contest. Thus he waited for "the Opportunity, when there should appear a Disposition to make the Compensation, and then to lay hold of it."²⁷

Bernard's opportunity came during the summer and autumn when the Whigs' campaign against compensation backfired.

The Whigs campaigned on two platforms. Firstly, the Governor was criticised for the "despotic manner" in which he had addressed the House and for insinuating that the British government would be justified in making a "requisition" of the assembly on behalf of the victims.²⁸ Secondly, the idea of a forcible requisition conjured up images of another Stamp Act. It was argued that an award made from the province treasury was, in effect, another direct tax: "For what material difference is there between the people of America being taxed by the parliament, and their representatives being required to tax them by an indisputable, uncontrollable authority."²⁹

Bernard complained to Lord Barrington that he was "obliged... to maintain a political Warfare with the Popular party" over the question of compensation.³⁰ But Bernard himself had supplied the Whigs with their ammunition. Conway had never suggested that Bernard should "allude" to a "requisition" being made by Britain, only that he "recommend" the House to grant compensation. Bernard, of course, used the term "requisition" in accordance with the House of Lords' resolutions, probably in order to frighten the representatives into compliance. The Amory brothers reported that

The Governor has lost many Friends by these Speeches; had he delivered himself in the mild & kind terms used by Secretary Conway whose letter he had before him it would have tended much to have restor'd the Harmony & Quiet he seems so much to desire. ³¹

But for Bernard, the situation improved considerably during the recess of the General Court when public opinion turned momentarily against the radicals. Following the refusal/

refusal of the House, the people of Boston became anxious lest the Rockingham administration demand - "with the dash of a pen" - that they should meet the cost of compensation.

According to Bernard, they "began to grow uneasy" about the attitude of their representatives (Otis, S. Adams, Cushing and Hancock) in ignoring his warnings about a possible "requisition" being made of them. In August, the town meeting reversed its stand on the issue and instructed the representatives to vote in favour of the House granting compensation from the province treasury.³²

Boston's decision split the Whig party. It was out of step with other towns including Salem, Braintree, Haverhill and Concord who resolutely opposed making compensation until, as the House had resolved, an attempt had been made to apprehend the rioters and force them to pay.³³

Many western towns believed that Boston, rather than the province, should reimburse the victims, for the riots, after all, had occurred in the capital. Towns like Hardwick were quite

prepared to let Boston shoulder the burden, for "numbers of the inhabitants were spectators of these horrid scenes, without interposition [meaning interposing] to prevent them."³⁴

The Amory brothers observed that "the Country deputies are fearful of offending their Constituents by bringing any part of the Charge on them", although there was a "general Desire to have it [compensation] done."³⁵

Bernard was not immediately impressed by the change in the political climate. He realised that the Boston representatives "have power enough" to "postpone their business, in hopes, some time or other to charge this loss upon the province, and exempt the town of Boston from it."³⁶ Thus over the summer, he continued the General Court by short prorogations, not daring yet to confront the Whigs. In September, he thought that the "Difficulties which lie in the Way seem insurmountable," and "there was not the least probability of Success."³⁷

But when the House met on October 29, Bernard's caution had evaporated: "I now really think it will be done", he told Richard Jackson.³⁸ Later, he claimed that Boston's reversal had been the "signal" for him to call the assembly.³⁹ Given that that had taken place two months before, and in September he was still despondent, it would appear that Bernard thought long and hard on whether to summon the General Court and continue with the request for compensation.

As in September 1765 and June 1766, Bernard relied upon the Tory representatives to provide the nucleus of support for his policies. Indeed, he hoped that the Boston representatives would join the Tories and the moderates. (He later remarked in a letter to the Earl of Shelburne, that if the Bostonians "had at that time...joined the friends of government, it might have been done."⁴⁰.) Bernard's confidence in the strength of this seemingly incongruous political alliance was not misplaced. There was a "general conviction" in the House that public compensation ought to be made.⁴¹ Bernard realised that the Boston radicals, who revered the concept of constituent power, would not vote contrary to their town's instructions. But Bernard underestimated the Machiavellian abilities of the Bostonians, whilst responding to opinion in their town meeting, to turn the issue to their own advantage.

On October 30, the day after the session began, the committee appointed to investigate the riots reported that the culprits could not be found. That day and the next, the petitions of the four victims were delivered, leaving the way clear for a vote.⁴²

The Northampton radical Joseph Hawley "open'd with great warmth" against the idea of the province compensating the victims, and declared that "the rioters ought to pay it." He placed the /

the blame on Bernard's administration for the problem now before the House, as "proper care had not been taken to bring them to justice." Jerathmeel Bowers came to Hawley's assistance and rounded on the Governor for daring to warn the members that a "requisition" might be made of the House: "among other things [he] pronounced that all the talk that if compensation was not made here it would be made in England and the province be taxed for [it] was a bugbear." Bowers urged the House to ignore Bernard's scaremongering, for if the members "were steady and refused to do it then they would hear no more of it." ⁴³

The "Chief speakers in favour of" the petitions were the radical James Otis and the Tories Timothy Ruggles and William Bourn. ⁴⁴ According to Francis Bernard, "Otis laboured the Question as hardy as ever he did anything". The strange alliance of Tories and the Boston radicals "had all the success they could have [had]; they convinced every one present of the Expediency of making the Compensation; but they could not persuade the Members to act contrary to their Instructions." ⁴⁵

"After a very full debate", the vote was thirty-six in favour and forty-three against granting compensation to Thomas Hutchinson. The vote in favour of Andrew Oliver's petition "fell much more short, Hallowell's below that and Story had scarce any hands at all." A second vote was taken on November 4: Hutchinson lost by forty-three to fifty-one, and the others were also defeated. ⁴⁶ Compensation, it seemed, was not to be made from the public treasury.

The Boston Whigs capitalised on the result. The House appointed a committee to consider alternative means of paying the victims, and it included the Boston representatives Otis, Hancock and Cushing. The committee quashed any attempt /

attempt to have Boston bear the full burden of compensation when it reported to the House that its members could agree on no method of paying the indemnity other than from the province treasury. The House also rejected two motions proposing that a public lottery be organised to meet the cost and that the towns of Massachusetts should pay. On November 6, a committee including Joseph Hawley was appointed to bring in another compensation bill.⁴⁷

When the second bill was presented to the House the following day, Hawley introduced a proviso that made public compensation conditional on the granting of a general amnesty to the Stamp Act Rioters. (a "free and general Pardon, Indemnity, and oblivion to the Offenders in the late Times".) The proviso was accepted by the House. When the bill was read a second time, the members rejected an amendment (by forty-five votes to twenty-seven) that in future towns would be responsible for compensating victims of riots. Three days later, Bernard was informed by the House "that an Indemnification of the Offenders is of equal Importance and Necessity with the making [of] Compensation to the Sufferers." In this revised form, the Compensation Bill was printed for circulation throughout the colony. The members asked for a recess in order to consult with their constituents. Bernard obliged, and the House was adjourned to December 3.⁴⁸

Hawley's bill was a calculated exercise to reunite the Whigs who had been divided over the question of whether Boston or the province should pay the compensation. In granting compensation in fulfilment of Conway's instructions, the second bill allayed the fears of the moderates and the country towns that Britain would be forced to make a "requisition". By attaching the amnesty clause, the Whigs re-asserted the independence of the House from what they saw as Bernard's arbitrary/

arbitrary demands, thus satisfying the radicals whose towns had instructed them to vote in favour of public compensation.

When the House re-assembled, the Whigs defeated two motions to have the amnesty clause omitted from the Bill, and on December 5 the revised Bill passed the House by a vote of fifty-three to thirty-five. The Council concurred, and Bernard gave his assent.⁴⁹

Why were the Tories and moderates unable to win the vote on the first compensation bill, and prevent Hawley's proviso from being added to the second?

The twenty-two Tories alone were not strong enough to have defeated the Whig majority in any vote. Had they had sufficient support from the moderates the first bill might have passed, for by October the sentiment inside and outside the House was that compensation ought to be made.

But the Tories failed to act collectively when it came to voting. Ten Tories abstained from voting in consideration of the second bill (for which voting figures and names of voters are available.) We cannot readily attribute their failure to disinterestedness. Personal circumstances and family matters prevented the attendance of Oliver Partridge and John Worthington during November and probably December too.⁵⁰ Three others were involved in committee work relating to the bills.⁵¹ Timothy Ruggles was a prominent speaker during the debates and served on the committee which prepared the second bill. But Ruggles and two others, William Browne and Ezra Taylor, ignored their towns' instructions to vote for the second bill and abstained.⁵² We can conclude that the abstention of these Tories was the result of a conscious decision/

decision taken in the belief that Hawley's amnesty clause was contrary to the spirit of Conway's instructions to Bernard, and that lawbreakers such as Ebenezer McIntosh should be imprisoned rather than applauded.

The twelve Tories who voted on the second bill did not act in accordance with their political ideology, but instead followed the directives of their constituents. This divided the Tories and prevented them from taking collective action in support of the first bill and to defeat the adoption of Hawley's proviso. Thomas Hutchinson complained that many of the Governor's "best friends", including Andrew Oliver Jr., Richard Saltonstall and Charles Prescott, and (referring obliquely to the moderates) "20 more [he]...could name were tied down by their towns." Hutchinson reflected on the restrictive nature of constituent democracy: "Instructions to restrain a representative from voting always appeared to me to be unconstitutional and absurd."⁵³ The Salem representatives, Oliver and Browne, were instructed to vote against the first bill because the town meeting believed that Boston and not the province should pay the compensation. But with little dissent, the town meeting later resolved that the province should pay after all, and instructed Oliver and Browne to vote for the second bill.⁵⁴ In Salem's case, and undoubtedly in others,⁵⁵ Tory representatives were committed to supporting the second bill by the sentiment in the towns that compensation should be made in spite of the proviso attached by Hawley (although, as has been noted, William Browne ignored these instructions.) Four Tories voted against the second bill (Tisdale, Bagley, Saltonstall and Prescott) on account of their instructions. These men, said Bernard, were "obliged to consult with their constituents, who otherwise would have acted freely according to their own judgement."⁵⁶ Later, the House claimed that Bernard's request, made in a "derogatory" manner/

manner

tended to weaken the inherent uncontrollable Right of the People, to dispose of their own Money to such Persons and Purposes as they shall judge expedient...And that under these Apprehensions, it is not improbable, some of the Towns may have framed their Instructions to their Representatives, against a Compensation out of the public Treasury. 57

The victory left the Whigs in a defiant mood. The House adopted two resolves prepared by Hawley, Otis and Sam Adams "setting forth the Motives" that "induced" the House to grant compensation. The House had acted loyally and dutifully in response to Conway's instructions, but not in compliance with Bernard's repeated requests:

Without Regard to any Interpretation of His Majesty's Recommendation into a Requisition, precluding all Debate and Controversy; and under a full Perswasion that the Sufferers had no just Claim or Demand on the Province. And that this Compliance ought not hereafter to be drawn into a precedent. 58

For Governor Bernard it was a time for reassessment^S and reflection. His "argumentative speeches" of September 1765 and June 1766 were an "Experiment" that had now been seen to fail: "there seemed to be no Danger in trying an Experiment which could not make things worse than they would be without it." 59 He conceded, however, that his "argumentative speeches" had been a political liability. 60 We must agree. It was clear that by the end of 1766 Bernard had been unable to win and retain the political loyalty of the Tories and moderates in the House.

To British ministers and M.P.s the Massachusetts Indemnity Act - as the Compensation Act became known - was another instance of disobedience to British authority. It was the subject of Parliamentary debate for over three months. On May 13, 1767, the House of Lords ruled that it was unconstitutional, for only the Crown could grant pardons, not any provincial government or assembly. Eventually, Bernard was informed that a new bill of compensation should be passed by the General Court without the amnesty clause. But he did not care to try again as more pressing matters demanded his attention. In any case, the money had already been paid out to the victims. There the controversy ended.⁶¹

3. The Tory-Moderate Coalition, 1767-1768.

Despite the doubts and failures, and advice from the Earl of Shelburne, the Secretary of State in the new Chatham-Grafton administration, to adopt a "temperate conduct" in his relations with the House, Bernard did not immediately give up his "argumentative speeches."⁶² When he addressed the General Court in January 1767 his oratory was heavily tinged with Tory doctrines. He recommended the representatives to "Support the Authority of Government, the Maintenance of the Honour of the Province, and the Promotion of the Welfare of the People....These are Duties common to us all; whilst they are truly pursued, there can be no room for Disagreement or Dissatisfaction." The House replied with a concise statement prepared by the radicals Hawley, Sam Adams, Otis and Artemis Ward that revealed the widening ideological gap between the Tories and the Whigs. Before they could pledge themselves to maintain the traditional authority of the provincial government, the representatives had/

had first to "inform themselves of the true extent of there [sic] Rights and Powers." The members reiterated their intention to maintain the rights of "the Body of the People" from whom they derived their mandate. ⁶³

Bernard could see little to change his opinion that the friends of government had deserted him. He informed Shelburne that "There is not the least probability that the present majority of the House w[oul]^d assist the Governm[en]^t in ye support of [the] Laws." ⁶⁴ "Some well wishers to the Government here flatter themselves that upon the opening of the New Assembly [in May] Things will ta[ke] a new Turn." But Bernard had "not great hopes of it." ⁶⁵

The number of Tories in the House was increased by seven (see Table 2, p.86.) Bernard was pleased that "2 or 3 Men of Superior ability" came into the House for the first time (such as Peter Frye and Jonathan Bliss), but saw "little Alteration" in the political situation overall. ⁶⁶ One source of hope came from James Otis's recurring bouts of illness and madness. Otis's "reign is quite over", Bernard remarked, and "the only way left is to detach his deluded Partisans from him." ⁶⁷

The balance of power changed significantly over the summer, a period of relative political quiet. Bernard perceived that when there was no contentious issue to disturb the peace, the divisions within the Whig ranks were much clearer. "Many voted & some spoke on the Part of Government who used to be reckoned on the other side." Bernard was "gaining... by the Change of the Minds of Men, who begin to be tired of Altercation, & apprehensive of the Consequences of what has allready past." Together, these dissident moderate Whigs and the Tories "seem to have near an Equality with the [Whig] Faction." Bernard was prepared to bide his time in the hope that the defections from the Whigs would continue to increase:

We/

We must wait for a Reconciliation with the generality of the Party 'till it can be brought on with Safety to the Dignity of the Crown: the more it is hurried, the more it will be at the Expense of Government.

Bernard prorogued the General Court on June 30. In November, he resolved to postpone the next session until January, hoping that during the long recess many more Whigs would desert their radical leaders. Then he would "endeavour to bring them into such a Temper that they may know their real Friends & their true Interests." ⁶⁸

But Bernard called the assembly together on December 30 because of the growing unrest over the Townshend Duties. Quickly, the pair were at loggerheads. A committee spent eighteen days preparing a remonstrance against the new duties. Bernard spoke privately with the Speaker, Thomas Cushing, and warned that Parliament would not tolerate any affront to its authority and sovereignty, and could invoke the Declaratory Act to justify its legislative supremacy in the colonies. ⁶⁹ But the committee did not cease its work. Bernard then looked to the friends of government to reject the petition if it was too radical. He believed that they would be able to attract enough support from moderates hitherto loyal to the Whig leadership to defeat or water down the petition. He had

Upon the whole...some hopes that when the House comes to be...divided,...the Friends of Government will be found more numerous than they have been of late; People [are] beginning to be tired of Altercations, of which they see no End, and can see no probable Advantage to their private selves or to the Public. ⁷⁰

The friends of government did not prevent the adoption of/

of a series of remonstrances against the Townshend Acts supporting the Whigs' claim that the colonists were independent of direct taxes imposed on them by Parliament. (They included petitions and letters addressed to the King, the Lords of the Treasury, Secretary Shelburne, the House agent Dennis De Berdt and the Marquis of Rockingham - now in opposition.)⁷¹ The petitions were composed "with Temper and Moderation",⁷² and, according to one historian, were "framed with great care to take into consideration the sensibilities of those not yet prepared to accept the extreme radical point of view"⁷³ that challenged the legislative supremacy of Parliament to enact laws binding on the colonists. The vote in favour of the remonstrances "outweigh[ed] all the Authority of Numbers for the Contrary Opinion."⁷⁴

To Bernard's satisfaction, the friends of government gave a good account of themselves in their attempt to moderate the remonstrances. The debates were "very long and extremely well managed on the side of government", and the Tories were able to take advantage of the inconsistencies in the radicals' arguments.⁷⁵ Joseph Hawley "retracted all his former Opinions" and stated that he was now "convinced that the Power of parliament over the Colonies was absolute." Hawley maintained that the British government "ought not to tax them untill they allowed them Representatives" in Parliament.⁷⁶ He spoke in favour of sending representatives to Parliament if the opportunity to do so ever arose, although this was out of step with Whig opinion in general. James Otis "treated this as the revery of a madman"⁷⁷ (on which subject - madness - Bernard no doubt thought that Otis was an authority!)

Hawley's volte face "surprised the House a good deal; but some Time after their Eyes began to open."⁷⁸ Timothy Ruggles took from his pocket one of Otis's pamphlets (which one cannot be determined) and read out sections "which confirmed everything that Hawley had said: This was truly Argumentum ad hominem."⁷⁹ Another government supporter charged the/

the Whigs "with a fixed design to enforce an American representation, by making the want of representatives a reason for disobedience to all Acts of Parliament that are now enacted." Ruggles re-entered the debate to announce that a number of merchants were ready to fit out ships to take the delegates to Parliament if the House desired to choose them. The beauty of the Tories' proposal was to offer the colonists something which the Whigs had once maintained that they ought to have. With American representatives in Parliament, thought Bernard, "there could be no Dispute about American Rights and Privileges; and Opposition to Great Britain would have but one Name" ⁸⁰ - rebellion.

By "frequently canvassing" the members, the friends of government were able to get "a great part of the most offensive matter struck out" of the remonstrances. Moreover, with the support of the moderates, they defeated by a majority of two to one the radicals' proposal that a circular letter be sent to the speakers of the various colonial assemblies calling on them to petition against the Townshend Acts. ⁸¹ The argument which brought them victory was that this attempt to co-ordinate action by the colonies "would be considered at home as appointing another [Stamp Act] Congress." Bernard was elated by the success of the friends of government: "No one Transaction in the House has given me so great hopes that they are returning to Right Sense of their Duty and their true Interest as this has done." ⁸² The "Faction has never had so great a Defeat as this has been." ⁸³

However, Bernard, as he himself confessed, was "too hasty" in his "Approbation of the Conduct of the House." In February, the House approved the circular letter prepared by a committee of radicals (including Sam Adams, Otis and Hawley.) The Whigs also succeeded in having the defeat of the earlier motion expunged from the House Journals. ⁸⁴

The circular letter contained nothing that was not already written into the other remonstrances. Its radicalism lay not in its ideas, doctrines or assumptions. Indeed, it stated that "Parliament is the supreme legislative power over the whole empire."⁸⁵ But to Bernard, the Tories, and the British government, its offence was its purpose of eliciting inter-colonial opposition to the Townshend Acts.⁸⁶

Bernard blamed the backstairs machinations of the radicals for the defeat of the friends of government. Timothy Ruggles was a lone figure daring to stand against them during February. Bernard also asserted that many Tories were absent from the House when the vote on the circular was taken.⁸⁷ Both explanations are probably accurate. Eighteen Tories (including John Worthington who had been elected to the Council) abstained or were not in the House on February 26 when the Whigs won a crushing victory eighty-two votes to one in favour of the province giving preference to native manufactures over British goods. Ruggles was the sole dissenter, while seven Tories voted for it (see Appendix B.) The British government accepted Bernard's explanation that the circular passed only because there was a "thin House". Its ideas "were contrary to the real sense of the assembly, and procured by surprise."⁸⁸

The confrontation over the circular letter did not take place until June, by which time Bernard had received fresh instructions from the Earl of Hillsborough, the new American Secretary,

In the meantime, Bernard continued to monitor the progress of the friends of government. They were narrowly defeated, thirty-nine votes to thirty, on a vote taken to decide whether a newspaper article about Bernard was libellous or not. (see Chapter Five, p.165.) When the session ended on March 4, Bernard praised the "moderation and good Temper" of the members.⁸⁹ He was confident that the Tory-moderate coalition/

coalition could continue to offer strong opposition to the Whig majority. His conciliatory address, so very different from his "argumentative speeches", he expected "will have very good Effects [judging] from the general Approbation it has received from all Parties in this Town [Boston]." ⁹⁰

One dark cloud on the horizon, however, was the Whigs' anti-Tory campaigns which they pursued with renewed vigour as the May elections drew near. Samuel Adams (as "Puritan") led the campaign with a series of "Anti-Pope" letters for the Boston Gazette. In the political imagery of Whiggism, Toryism was associated with Jacobitism and the alleged "conspiracy" of the unpopular Lord Bute to restore the Stuarts to the British throne, with the assistance of American office-seekers. Adams pinpointed the towns in which the Tory electors were strongest: Charlestown, Salem, Cambridge, Marblehead, Medford and Hatfield. ⁹¹ Oliver Partridge, the incumbent for Hatfield, was "artful and guarded" in expressing his opinions, so much so that

it could hardly be determin'd with any certainty, what he meant by what he saidA man who is double tongu'd, if he is not in his heart a friend to POPERY, will be oftentimes speaking the language of the Beast, whether he is sensible of it or not.

Inexperienced representatives and moderates hitherto loyal to the Whig cause, such as Simeon Strong of Hadley, Adams claimed had been "so far led away" by Partridge to leave him with the opinion that "A man who WAVERS, is but a step from a TOTAL APOSTACY." ⁹² Adams was clearly alarmed that the friends of government had grown stronger at the expense of the Whigs.

The Whigs' campaign again had a significant impact on the/

the voters. Overall, the Whigs were able to prevent the election of new Tories or the return of those ousted in previous years. Only four Tories were re-elected or came into the House for the first time. Cambridge and Charlestown did not return Tories as Adams feared they might. Oliver Partridge was not re-elected, although he was replaced by another Tory, Israel Williams. Salem's Peter Frye and William Browne, Medford's Stephen Hall, Marblehead's William Bourn and Jacob Fowle and Haverhill's Richard Saltonstall were all returned. The Tories were left with twenty-seven members, but hoped to win the support of the moderates as they had done in the previous session. (see Table 2, p.86 and Appendix B.)

Bernard received instructions from Hillsborough concerning the circular letter soon after the General Court convened on May 25. Although copies of the circular had already been dispatched, Bernard was directed to "require" the Speaker of the House to propose a resolution rescinding the vote of approval for the letter. If the House refused, then he was to dissolve it until further notice.⁹³ Bernard consulted with Thomas Hutchinson and Andrew Oliver, and decided that he should wait for a favourable moment when to present the instructions to the House. Because of the controversy over the Liberty Riot, Bernard delayed until June 21, a Tuesday, a day when the House was usually fuller than at weekends or Mondays (and the friends of government from the West more likely to attend).⁹⁴

To avoid making the "requisition", the Whigs first of all staged a filibuster. After the Governor's message was read, James Otis made a rambling two-hour speech in which he "abused all Persons in Authority" in Massachusetts and Britain with the exception of the King.⁹⁵ The House stalled proceedings further/

further by requesting copies of Hillsborough's letter to Bernard to compare with the extracts communicated by the Governor. Bernard obliged, but refused the request of the committee appointed to reply to his message that the House be adjourned. He wanted "to bring this Matter to a Crisis" and deny the Whigs the satisfaction of gaining a mandate from their constituents.⁹⁶

But the division in the House when the vote was cast marked the end of the Tory-moderate coalition which, since the previous summer, had provided strong opposition to the Whig majority. Once again, the radical Whig leaders won the allegiance of the moderates. And this time also, the Tories themselves were divided.

The House refused to rescind by ninety-two votes to seventeen. Twenty-five Tories voted on this issue.⁹⁷ The seventeen "rescinders" were a combination of old and new Tory members. Among the former were Richard Saltonstall, Timothy Ruggles, Israel Williams and Jacob Fowle. For four of the new Tories elected in 1767 and 1768 (Jonathan Bliss, Joseph Root, Peter Frye and William Jernigan), it was the first significant demonstration of their support for the government. The rescinders represented towns where Bernard believed the friends of government were strongest: six came from the western counties of Berkshire and Hampshire and five from Essex County, (see Appendix B). To these men, the ideological and political issues before them were clear. Although the circular letter expressed a faith in the legislative supremacy of Parliament, Israel Williams believed its effect would be to "prosecute the dispute with the Supreme Authority of the Nation" and "procure harder measures" from Britain, including the cancellation of all plans to repeal the Townshend Acts. With this in mind, Jonathan Sayward followed his ideological conscience: "I acted uprightly and [according to] what I thought best/

best as one of that assembly and I think I had not any sinister views in so doing." ⁹⁸ Eight Tories were in the majority who voted with the Whigs, but they were the least likely of all the Tory members to support Governor Bernard. Only three (Joseph Williams, Jonathan Bagley and Stephen Hall) had voted with the government on a major issue since 1765 (see Appendix B). Among the moderates who were in the majority, according to Bernard, "were Members who were scarce ever known upon any other occasion to vote against the Government Side of a Question." ⁹⁹

To follow up the victory, the House presented Bernard with an address on June 30 in which it was asserted that he had misrepresented the true intentions of the House regarding the circular letter, and had led Hillsborough to believe that the vote should be rescinded. (As an insult to Bernard, one of the rescinders, Richard Saltonstall, was elected to the committee which presented him with the address.) When he received the address, Bernard dissolved the assembly. It did not meet again until May, 1769. ¹⁰⁰

The rescinders came to occupy a special place in Whig demonology. Their names were printed in the province newspapers, as was soon to be done with merchants who broke the non-importation agreements. They were proscribed as "traitors" and "enemies" to their country who "endeavoured to sacrifice their own and your children to Moloch". Their actions were explicable only "in the odious light of a party", ¹⁰¹ and originated in the conspiracy of Grenville, Bute, Bernard and Hutchinson to bring "confusion to the Whiggs and the Wiggish [sic] cause." ¹⁰² Before the House was dissolved, the members approved a letter to Hillsborough on the same theme:

It seemed to be the evident design of
a/

a party, to prevent calm, deliberate, rational and constitutional measures from being pursued; or to stop the distress of the people from reaching his Majesty's ear, and consequently to precipitate them into a state of desperation and reluctant extremity. 103

Even the moderate John Rowe caught the anti-Tory fever: the rescinders were "so mean spirited" as to "vote away their Blessings as Englishmen, namely their Rights, Liberty & Properties." 104

The significance of the rescinding issue lay not only with the termination of the Tory-moderate coalition in the House and the splintering of the Tory group, for it precipitated local political confrontations.

Sixteen of the seventeen "rescinding" towns rebuked their representatives. Hardwick refused to pass censure on Timothy Ruggles, which it had not done either over his conduct at the Stamp Act Congress. It was a place, said one Whig where "nineteen in twenty" were afraid to contradict Ruggles. 105 At a town meeting in Salem, called specifically to consider the conduct of Peter Frye and William Browne, support for the rescinders was much in evidence. The Tories, led by the moderator, Benjamin Pickman, councillor Nathaniel Ropes and Judge Benjamin Lynde, "appeared without masks" and spoke in defence of the rescinders. After the meeting passed a vote of censure on Frye and Browne, thirty townspeople subscribed to a memorial denouncing the proceedings of the town meeting as irregular and unjustified, and voted their thanks to the pair. 106

Local support for the Tories was evident also in the reactions of communities to the Convention of Towns called during the recess of the assembly. The trappings and proceedings of the Convention, which met in September, were similar to those/

those of the House, with Thomas Cushing acting as Speaker and Sam Adams as the Clerk. One hundred of Massachusetts's then current total of 250 towns and districts sent delegates to the Convention, though less than half were representatives elected to the House that year. While many non-political reasons can explain the non-attendance of delegates (such as long travelling distances to Boston) ¹⁰⁷ towns served by Tory representatives were conspicuous by their absence. Of the twenty-seven towns who elected Tory representatives in 1768 only eight sent delegates to the Convention, and these delegates included four Tories who voted not to rescind (Joseph Williams, John Wadsworth, Sampson Stoddard and Stephen Hall.) Thirteen of the thirty-two towns named in the Black List of 1766 were also unrepresented at the Convention. ¹⁰⁸ Oliver Partridge presided over a town meeting of Hatfield which drew up a widely publicised denunciation of the Convention, calling it "unconstitutional, illegal and wholly unjustifiable." ¹⁰⁹

When the Convention met on September 22, Bernard sent a message ordering it to disperse. He also refused to accept the petition protesting at the imminent arrival of British troops and calling for the General Court to be summoned. This "spirited" action, according to Bernard, won the approbation of the friends of government, who said "it was the boldest Act I have ever yet done." ¹¹⁰

Throughout the winter, Bernard asked Hillsborough for instructions as to when he should call the assembly. He reminded the Secretary of the Charter's stipulation that it should meet at least once a year in May to elect councillors and officers. Hillsborough instructed Bernard that it was to meet in May. ¹¹¹
1769.

From the summer of 1767 to June 1768 the friends of government were at their strongest in the House. But the rescinding issue effectively ended Bernard's hopes of being able to build a powerful government party in the House from among the Tories and moderate Whigs. While the responses of towns with Tory representatives to the rescinders and the Convention of Towns did reveal a measure of local support for the Tories, when the House met again the Tories had ceased to be a force to be reckoned with.

4. The Decline of the Tories, 1769-1770

The election of May 1769 brought a crushing defeat for the Tories at the polls that irrevocably altered the distribution of power in the House of Representatives. The Tories were reduced from twenty-seven to just twelve members. Ten of the seventeen rescinders were not returned and only eight were ever re-elected (see Appendix B.) William Browne, for example, confessed that he "lost his Popularity" because of his stance.¹¹² The rejection of those rescinders who had otherwise been inconspicuous Tories, such as Josiah Edson, served as a "warning to Representatives rather to act the sentiments of their Constituents than to please by a cringing conduct the greatest enemy to the Government [Francis Bernard]." ¹¹³ For Bernard and the Tory candidates, the publication of the Governor's correspondence with Shelburne and Hillsborough in the April issues of the Boston Gazette was particularly ill-timed, for it undermined their political credibility at the hustings. Little was expected of the Tory rump. "The few who will be left in the House will be only Spectators so that the [Whig] Faction will have every thing in their Hands." ¹¹⁴ Those who escaped the purge included three Tories who had defected to the Whigs (Stephen Hall, Joseph Williams and John Wadsworth, see/

see Appendix B).

Bernard's worst fears materialised. After the House assembled on May 31 and elected the councillors and other province officers, it refused to proceed to any other business in protest at the presence of British troops in Boston.¹¹⁵ On June 21 and 29, the House approved two series of resolves that had been prepared by a committee of radicals, in which Bernard was accused of having "acted against the spirit of a free constitution" by recommending to the British government the arrest of the Whig leaders, the appointment of a mandamus Council and the necessity of sending troops to Boston. On June 27, the House adopted a petition to the King calling for Bernard's dismissal. The following day, he informed the House of his pending return to Britain on leave. He prorogued the assembly on July 15 giving no indication of when it might be called again.¹¹⁶

No dissenting Tory or moderate voice was heard during the session. Andrew Oliver observed that

there is but one party now in either the House or Assembly, Brigadier Ruggles had not attended the Court this session nor is there any gentleman however well disposed that seems inclined to share the fate of those 17 who were proscribed last year so that every measure that is proposed is carried without opposition.¹¹⁷

Thomas Hutchinson confirmed the accuracy of Oliver's report on the decline of the Tories:

Few of them would have voted as they did last year if the same question [whether to rescind the circular letter] should be again put. One of the Members who/

who has generally been friendly to government was asked whether he held to his principles. He replied that last year he was afraid the measures taken by the province and by the town of Boston would bring upon us the indignation of Parliament.

Henceforth, he would be "with the Stream".¹¹⁸ When Hutchinson visited Maine on judicial circuit, he inquired of the rescinder Jonathan Sayward whether he would be interested in accepting a post in the provincial administration if it were to be offered. To Hutchinson's surprise, Sayward refused. He drew Hutchinson's attention to a rabidly anti-Tory pamphlet, A Dialogue between Sir George Cornwall...and Mr. Flint, in which prominent Tories were ridiculed. Hutchinson was no doubt accustomed to the tirades of the Whigs, but not so Sayward. The Sons of Liberty, he said, "want only for some others that are obnoxious to them, to be Cald up into View, that they may be a more publick Mark to Shoot at (and they Shoot bitter Arrows)".¹¹⁹

The General Court did not meet again until March 18, 1770, and then out of Boston at Harvard College, Cambridge, according to royal instructions. It quickly became clear to Bernard's deputy as Governor, Thomas Hutchinson, that the Tories had ceased to be a political force in the House.

Hutchinson prevailed on seasoned campaigners like Israel Williams and moderates like Simeon Strong to attend the sessions and confront the radicals, but to little purpose. Many of the friends of government, including the Tories, stayed away, convinced that the stranglehold of the Boston representatives could not be broken.¹²⁰ Timothy Ruggles and John Murray complained that following the popular outrage at the Boston Massacre they "have lost their interest" among their constituents and for the present "can come no more".¹²¹ Hutchinson moaned that not a "single person" was willing to join "in supporting Government."¹²²

Only eight Tories were elected to the House in May. Of these and the moderates, according to Hutchinson, only Timothy Ruggles and Daniel Oliver Jr. (also representing Hardwick) were not intimidated by the Boston radicals.¹²³ Once again, the House refused to do business, this time in protest at meeting outside of Boston. This dispute was to last two years.¹²⁴ On June 6, the House resolved by ninety-six votes to six to continue in its refusal. Ruggles, Worthington and Oliver, along with three moderates opposed the motion.¹²⁵ When the House commenced its second session on July 25, Hutchinson requested the representatives to rescind this and previous votes. The Earl of Hillsborough was "persuaded" that Hutchinson's request should have encouraged the friends of government to defy the Whigs.¹²⁶ But Worthington, Ruggles, Murray and other members "capable of opposing Adams &c." did not attend the session's debates.¹²⁷

John Worthington explained to Hutchinson that now all hope of defeating the Whigs lay not with the Tories, but in the hope that the moderates could be persuaded to defect from the radicals. Worthington trusted that he and other Tories could work to inspire the defections. He promised Hutchinson that he would attend the third session, which began on September 26, for he thought "it the Duty of every Friend of Government and of his country, in every reasonable way, and with almost any degree of Self-denial as to private concerns, to aid and assist you." He

might help to keep some others in Countenance who are secretly well disposed but afraid to be singular. The Jealousy and Suspicion with which I seem'd to be View'd by Most of the Members the last Session made my Scituation [sic] at Court very unpleasant, and the Apprehensions...have conceived of me as an Enemy to my Country.¹²⁸

On October 9, the House decided by fifty-nine votes to twenty-nine to resume business, against the wishes of Sam Adams and many radicals.¹²⁹ But throughout November, the radicals were in the driving seat. Benjamin Franklin was chosen as agent for the House and Arthur Lee (a Virginian and author of "Junius Americanus") as his deputy. A provincial committee of correspondence was appointed to transmit intelligence to other assemblies. The House also protested that Hutchinson had abrogated his authority as Commander-in-Chief by allowing Colonel Dalrymple and British regulars (on Hillsborough's instructions) to take over from the province militia the garrison duties at Castle William.¹³⁰

* * * * *

From the point of view of Massachusetts's royal governor, Francis Bernard, and his deputy, Thomas Hutchinson, the friends of government in the House of Representatives were politically unreliable and undisciplined. The desire of both Tories and moderates to achieve the repeal of the Stamp Act and the Townshend Acts often precluded their support for Bernard's schemes. One other major reason for their failure to side with Bernard was their fear of being proscribed as "traitors" to their country; anti-Toryism played a significant part in the demise of the Tories at the polls, until only a handful were left in the House. When they were inclined to follow Bernard, the friends of government were often hamstrung by the Whiggish instructions they received from their constituents. The/

The Tory-moderate coalition had only a brief life, from the summer of 1767 to June 1768, a period of relative political quiet when they were able to give strong opposition to the Whig majority. Tories and moderates did join forces on specific issues before and after this period, but it was in these twelve months that they achieved their only real success—delaying the adoption of the circular letter in January 1768. It was the controversy over Hillsborough's instruction for the House to rescind the vote approving the circular letter which broke and splintered the coalition. Thereafter, the dissident moderates sided with the Whig majority, and the Tories ceased to have any influence in the House. The failure of the friends of government to rally behind Governor Bernard was repeated in his relations with the Council and merchants during the Non-Importation Controversy. The situation in the General Court and with the merchants improved considerably during the first few years of Hutchinson's administration.

CHAPTER FIVE: GOVERNOR BERNARD AND THE COUNCIL, 1765-JULY 1768.

Governor Bernard's failure to win the consistent political support of the Tory and moderate Whig councillors contributed to the weakness of the friends of government. Had Bernard won their co^o-peration and support, the Council would have been able to counteract the Whig dominated House. But, remarked Bernard in 1768, since 1765 the councillors had "suffered so great a Change that they don't appear to be the same Persons: and I can no longer depend upon them in Support of the Rights of the Crown." Bernard attributed the demise of the Council to the success of the Whigs' anti-Toryism: the councillors "seem to have caught the general Intimidation, to look upon the Cause of the present Government to be desperate, and to think that it is high Time that they should take Care of their Interest with the prevailing Party of the People." Yet, Bernard was convinced "that these Gentlemen or the greatest Part of them are in their Hearts Friends to Government."¹ How accurate was Bernard's assessment of his relationship with the Council?

1. The Council and the Stamp Act Crisis.

Traditionally, the Council was a more conservative institution than the House of Representatives. Its conservatism derived/

derived from its main constitutional functions of advising the Governor and approving legislation passed by the House. (The Council could also initiate legislation.) Social and political considerations reinforced the Board's conservatism: members were prominent and wealthy citizens, and between 1760 and 1764 the Court faction were in the majority.² The Stamp Act Crisis altered the balance of power in the Council.

Francis Bernard quickly realised that one part of the Whigs' political strategy was to weaken the position of the conservatives or Tories on the Board. Early in 1764, when there was "no apparent ill humour", the House ignored the constitutional procedure of consulting with the Council when it composed separately a set of instructions for the province agent Jasper Mauduit. At the same time, it was proposed that a congress of committees from the various colonies should meet to discuss ways of defeating the Revenue Bill. (No congress met until the Stamp Act Congress of October 1765.) To Bernard, these schemes were intended "to make a schism in the General Court...and also to lay a foundation for connecting the demagogues of the several governments in America."³

But the Council did not give way to the Whigs in the House. In November, the Board refused to accept the House's petition against the Revenue Act and proposed Stamp Duty until several words and phrases were altered (see Chapter Three, p.90.) Later, Bernard took the unusual step of interfering in the business of the General Court when a bill was pending between the two chambers. He warned the councillors that the House's bill for the regulation of customs officers' fees was an intrusion on Parliament's legislative prerogative in this matter, for which reason he could not give his assent to the measure. To Bernard's satisfaction, the Council rejected the bill.⁴ But his influence over the councillors waned dramatically in the next year.

Bernard's main support came from the Tories, who were stronger in the Council during the session of 1765-1766 than at any other time. Of the twenty-eight councillors elected by the House in May 1765, fourteen were Tories, ten were Whigs (radicals and moderates) and four were non-aligned or of indeterminate affiliation. The nucleus of the Tory group was the "Junto" of Thomas Hutchinson and Andrew Oliver - Bernard's closest advisers. Attached to the Junto were Hutchinson's long time associate Israel Williams and Andrew Oliver's brother, Peter. Four other Tories were valued supporters of the government: Timothy Paine, Nathaniel Ropes, John Chandler and Thomas Flucker.⁵ The allegiance of the remaining six Tories (Trowbridge, Leonard, Hubbard, Lynde, Lincoln and Russell) was not automatic, but they were counted among the Governor's supporters nevertheless.⁶

The Tory councillors did not conduct Council business with a sense of collective responsibility. Throughout the 1765-1766 session, the Tory majority rarely functioned at Council meetings. The Council met a total of seventy-six times, thirty-one of which were held while the General Court was in session. On no single occasion were all twenty-eight members present, even when Bernard called general meetings of the whole Council. The average number of members in attendance while the assembly was sitting was seventeen, and outwith the Court, nine. The attendance of members varied considerably. The executive officers Andrew Oliver (Secretary), Thomas Hubbard (Receiver-General) and Harrison Gray (Treasurer) missed only nine meetings among them. The Whigs John Erving, Royal Tyler and James Bowdoin, and Tories Flucker and Russell were also regular attenders. These men lived in or near Boston and could easily come to Board meetings when summoned by Bernard. They constituted, in effect, a cadre of semi-professional politicians. The infrequent attendance of the Tories, however, eroded the Tory majority in the day-to-day/

day running of affairs, but also, as we shall see, in the handling of extraordinary matters during the Stamp Act Riots.

John Chandler and Timothy Paine, whose homes were in Worcester, forty miles from Boston, each came to less than ten meetings. Israel Williams from Hatfield managed only five. Thomas Hutchinson, the "leader" of the Tories, came to less than half the Council meetings. Hutchinson's duties as Chief Justice, and those of Superior Court Justices Benjamin Lynde and Peter Oliver meant that these men were frequently absent from Boston on court circuit. Of the seventeen members most likely to attend Board meetings when the General Court was sitting, six were Tories, nine were Whigs and two were neutral. Of the nine most likely to attend meetings held outwith the General Court, one was neutral, while the Whigs and Tories had four apiece.⁷ (See Table 4., pp. 153-154.)

A forceful opposition to the Tories was provided by the ten Whigs elected in 1765. James Bowdoin, Colonel James Otis Sr. and Royal Tyler were prominent in the protest movement. Samuel Danforth came to the fore in 1768-1769, when he acted as "President" of the Council during the Board's disputes with Bernard. Thomas Hutchinson identified the Whiggism of six others: the "valiant Brigadier Royall...is at the head of all popular measures and become a great orator. Erving, Brattle, Gray...and Bradbury and Sparhawk...are in the same box."⁸ While Hutchinson made no distinction between the radicals and the moderates, it is clear that during the 1760s Erving, Brattle, Gray, Danforth, Sparhawk, Royall and others elected to the Council later were moderate Whigs who became known as friends of government. (Erving, Brattle, Royall and Gray became Loyalists.)

John Adams observed that in 1765 Harrison Gray "was as open and decided an American [meaning Whig] as James Otis." Rightly, he attributed one source of Gray's Whiggism to the influence/

TABLE 4: THE ATTENDANCE RECORD OF COUNCILLORS,
MAY 31, 1765- May 26, 1766.

Councillors	A T T E N D A N C E			
	Allegiance	While G.C. is Sitting	Outwith G.C.	During Session (in Percentages)
Andrew Belcher	?	21*	22*	56.58
James Bowdoin	Whig	17	30*	61.84
John Bradbury	Whig	25*	3	36.84
Gamaliel Bradford	?	24*	1	32.89
William Brattle	Whig	25*	6	40.79
John Chandler	Tory	7	2	11.84
John Choate ⁺	?	5	0	6.58
Samuel Danforth	Whig	22*	16	50.00
John Erving	Whig	26*	38*	84.21
Thomas Flucker	Tory	27*	41*	89.47
Harrison Gray	Whig	31*	42*	96.05
John Hill	?	17	2	25.00
Thomas Hubbard	Tory	31*	41*	94.74
Thomas Hutchinson	Tory	12	18	39.47
George Leonard	Tory	7	2	11.84
Benjamin Lincoln	Tory	23*	3	34.21
Benjamin Lynde	Tory	7	7	18.42
Andrew Oliver	Tory	31*	43*	97.37
Peter Oliver	Tory	2	2	5.26
James Otis Sr.	Whig	18*	2	26.32
Timothy Paine	Tory	8	2	13.16
Nathaniel Ropes	Tory	23*	6	38.16
Isaac Royall	Whig	24*	11	46.05
James Russell	Tory	30*	31*	80.26
Nathaniel Sparhawk	Whig	22*	10	42.11
Edmund Trowbridge	Tory	16	10	21.05
Royal Tyler	Whig	29*	31*	78.95
Israel Williams	Tory	3	2	6.58

TABLE 4, contd.

Total number of meetings during session= 76

Average attendance whilst General Court was sitting= 17

Average attendance when General Court was not sitting= 9

+ John Choate died during the session.

*Councillors most likely to attend meetings.

Source: Records of the Massachusetts Council, Massachusetts Archives XVI, pp.1-120.

influence of Rev. Jonathan Mayhew whom Gray much admired. According to Adams, when Mayhew died in April 1766, Gray lapsed into "a very tender Mind", becoming an "extremely timid" Whig. He was forever reluctant to confront a "Man of the other Side", lest that "every Body will be against him."⁹ Adams's judgment, as will be seen, was on the whole accurate, in spite of the fact that he made no references to Gray's other connections with the Whigs.¹⁰

Like John Adams, Governor Bernard also doubted the strength of the moderates' convictions to the Whig cause.

William Brattle, a veteran soldier and politician went to great lengths to offend the Governor. On October 14, 1765, Brattle was the moderator of the Cambridge town meeting when a proposal was made that the Governor's speech to the General Court of September 25 be read out. The person who made the proposal claimed that he already possessed a copy of a reply to the speech. Both documents were read out; after/which, a set of instructions for the town's representative (the Tory Joseph Lee) was composed. Bernard, when he saw a copy of the instructions, thought them "outrageous & indecent" and an "infamous libell" on the authority of Britain.

Edmund/

Edmund Trowbridge, who attended the meeting, reported to Bernard that Brattle was the author of the town's reply to his speech and the greater part of the instructions, and that both had been prepared in secret a few days before the meeting. It seemed to Bernard that Brattle's intention was to "make the business a personal Quarell...[and] a merit of being an object of the Governor's anger." Previously, Brattle had been "remarkably civil" to Bernard.¹¹ The old general went even further in his efforts to ingratiate himself with the Whig leaders when, during the Pope's Day parade, he walked arm-in-arm with Ebenezer McIntosh at the head of the crowd and "complimented him on the order he kept."¹² Nevertheless, Sam Adams distrusted Brattle, for he was forever "veering about" and changing sides. Adams called him the "weathercock".¹³

But despite the latent divisions within the Whig group and the existence of a Tory majority, the Council did not follow Bernard's leads during the Stamp Act Crisis. Tories and Whigs combined to defeat the execution of the Stamp Act. Six Tories, four Whigs and one neutral member were present on August 21, 1765 when it was decided that, because of the riot of the 14th, the Stamps should be stored in Castle William when they arrived, rather than be distributed on the authority of the Governor and Council. The same members also rejected Bernard's suggestion that a military watch be appointed.¹⁴ Thomas Hutchinson later attested to the absence of Tory and moderate support for Bernard in the aftermath of the first riot:

Several of the council gave it as their opinion, Mr. Oliver [who had resigned from his Distributor's post] being present, that the people, not only of the town of Boston, but of the country in general, would never submit to the execution of the stamp act, let the consequence of an opposition to it be what it would.¹⁵

After/

After the riot of August 26, six Tories and five Whigs voted down Bernard's suggestion that British troops were necessary to restore order and assist the provincial government in the execution of acts of Parliament. Finally, on October 2, the Tory and Whig councillors reached the unanimous decision that the stamps should be stored in Castle William indefinitely.¹⁶ Thus, in August and October 1765, both Tory and Whig councillors combined to defeat the implementation of the Stamp Act.

In his correspondence with the Earl of Halifax and Henry Conway, Bernard attributed the Council's refusal to assist in the execution of the act to their fear of the Boston mobs and the effects of anti-Toryism. "Nothing can pass the Council, that is like to be displeasing to Boston."¹⁷ He informed the Lords of Trade that several councillors were "in their hearts well wishers to Government & ready to support it, when they can do it with safety & a due regard to their own interest & conveniency." But there was a "prudence or Timidity...which persuades People to keep out of the Way of Resentment."¹⁸

The unwillingness of the Tories and moderates to act in support of Bernard's recommendations is further demonstrated by the Council's response to events during the autumn and winter. James Otis Jr. precipitated a confrontation between the House and Council over the latter's decision to allocate province funds to Colonel Saltonstall's reinforcements for the garrison at Castle William. (It had been taken in September by the Governor and Council alone, which was normal procedure when the General Court was not in session; otherwise the House would have had to make the decision.) In the Boston town meeting, Otis launched a tirade against the "acursed Septemvirate" of councillors who had approved Bernard's request. They had "endeavoured to destroy the liberties of the People" by infringing/

infringing the House's prerogative to dispense money from the province treasury.¹⁹ On November 6, a bi-partisan delegation from the House delivered a remonstrance inquiring into the alleged misappropriation of province funds.²⁰ The Council prepared a statement the next day and denied the allegations of acting contrary to the principles and practices of parliamentary government. It defended the right of the Governor-in-Council to distribute money under the "emergency powers" of the Charter, as Bernard had done in a message to the House. But the Council's concurrence with Bernard was mitigated by its members desire to placate the Whigs in the House. It was said that the decision was taken reluctantly. They were "by no means fond of exercising such a Power." The Council agreed to Bernard's request only because "the minds of the People were so agitated" and further riots were feared when the stamps arrived. Thus it was thought necessary to support the garrison at the Castle. The Council assured the House that it never intended to assist in the execution of the act: "The Board are embarked in the same bottom with the...House; we must both sink or swim together."²¹

Pressure on the councillors, both Whig and Tory, increased during the Whigs' campaign to open the courts of law. On October 30, a joint committee of the House and Council, with a Whig majority, resolved that Governor Bernard should order the law courts to proceed to business without using the stamped papers, otherwise they would have to remain closed. The report was not approved and was returned to House committee. It was not reconsidered until January.²² In the meantime, the Council concurred with the House's motion calling for the postponement of the county courts that were due to meet in December and January. A few days later Bernard prorogued the assembly. But on November 19, the Boston town meeting delivered a petition to the Governor-and-Council calling for the courts to be opened.²³

The burden of responsibility fell heavily on the councillors' shoulders. They did not discuss the memorial until the next day, as there was not a quorum of members present. (William Brattle was conveniently absent with a cold!)²⁴ Fifteen councillors attended the meeting on the 20th and engaged in a "long debate" which lasted well into the evening. They called on the advice of many lawyers (including John Adams) who, according to Bernard, attacked the "Injustice" of the Stamp Act and discoursed on the "impossibility" of its being executed, but "did not much attend to what was the main Question, with the Council, whether it was the Business of the Gov[ernor]^r & Council as having the executive power to direct the Courts of Justice in their proceedings upon this or any occasion." The debate was resumed on the 21st when thirteen councillors were present (six Tories, six Whigs and one neutral.) Throughout these proceedings, Bernard opposed the motions for re-opening the courts, arguing that for the Governor and Council to give such directions "either mandatory or recommendations...would be illegal."²⁵

For the moment, Whig and Tory councillors accepted Bernard's argument that a "question of law" arose from Boston's memorial, since an act of Parliament had been rendered inoperative. It was decided to refer the matter to the Justices of the Superior Court. Tories and Whigs then combined to compose a reply to the Boston town meeting. Both sides were agreed that the statement should be approved by unanimous vote, for the appearance of unity "was thought necessary for to give the determination the greater weight out of doors." All the councillors, evidently, were anxious about possible repercussions if they made an unpopular decision. But the friends of government were reluctant to appear too conciliatory toward Boston: a "Majority of the Council were firm against discrediting themselves by too great a Submission to the demands of the People."/

People." It was only after many alterations were made to the first draft that the councillors could agree on a statement.²⁶

As Bernard expected, the Council's reply was voted "unsatisfactory" by the Boston town meeting.²⁷ Whigs continued to attack his influence over the members: he was "teazing" them "with new precedents and practices drawn from the Canon Law."²⁸

In spite of the fact that the Council agreed with Bernard over the Boston memorial, and that the friends of government were anxious to dissociate themselves from the Whig members, Bernard expected little assistance from the Council when the General Court met in January.²⁹ By this time, the customs houses and the Suffolk County courts were already doing business without stamped papers. It was known also that the probate judges of five other counties had decided to proceed at the March sessions.³⁰ Thus, it seemed unlikely to Bernard that either the Whig or Tory councillors would stand in the way of attempts to open all the courts. When the House passed a resolution on the 22nd calling for this, he made up his mind that if the Council should concur he would refuse to acknowledge the resolution, though such might prove to be a "Signal" for the "popular Fury" to drive him from Boston. He had no intention of making the "Executive Power of this Government...be active against the Act of Parliament".³¹

To Bernard's surprise, the Council did not concur with the House. But the members' decision was not based on the Tories' defence of Parliament's authority or their desire to assist Bernard; rather, the councillors wished to absolve themselves of the responsibility of making a politically sensitive/

sensitive judgment. The reason given for their non-concurrence was that the motion "would be more effectually answered" if it was referred to the Justices of the Superior Court.³²

At first, two of the Justices - Peter Oliver and Thomas Hutchinson - were opposed to the re-opening of the courts.³³

But the others (Benjamin Lynde, John Cushing and Chambers Russell) were in favour, and eventually persuaded Hutchinson and Oliver to agree.

The Council accepted the recommendation of the Justices that all the county courts would be open in March.

In February, the Council informed the House of the Justices' report and of their decision that no further action was necessary regarding the courts.³⁴

During the Stamp Act Crisis, it is clear that neither Tory nor moderate councillors were willing to approve measures to enforce the Stamp Act and the authority of Parliament contrary to the wishes of the Whig leadership and the protest movement. Thus far, Bernard's assessment of the Council's behaviour was accurate and correct.

2. The Balance of Power in the Council, 1766-May 1768.

The changes in the composition of the House in 1766 were paralleled by those in the Council. The election to the Board irrevocably altered the balance of power, and the Whigs emerged with a clear majority of members.

In the days before the election, James Otis kept his promise made the previous year to try and purge the Council of the friends of government. He declared in the House that the Council "had got the Disease of Mary Magdalen, it had seven Devils in it which must be cast out before it could be in Health."³⁵ The Whigs in the House "turned out without much/

much difficulty" Thomas Hutchinson, Andrew Oliver and Peter Oliver. To make matters worse for Bernard, Benjamin Lynde and George Leonard - "steady Assertors of the Rights of the Kings Government" - resigned their seats "to avoid being turned out".³⁶ The House elected nine new councillors, all of them Whigs. Bernard accepted the nominations of three, but in retaliation for the dismissal of his friends he vetoed six. He later regretted not also rejecting William Brattle, who, on the day of the election, "acted with ...much Indecency" towards Hutchinson.³⁷

The negating of the Whigs, like his speech to the House of September 25, 1765, was part of Bernard's strategy of confrontation with the protest movement. It was "a bold Stroke, but very well timed", and he trusted it would have "very good Effects",³⁸ one of which, we may presume, would be to encourage the friends of government in the House and Council to stand up to the Whigs. Bernard, nevertheless, lamented the loss of his closest advisers on the Board. He accused the House of depriving the upper chamber of "its best and most able Servants, whose only Crime is their Fidelity to the Crown." They had been "proscribed by the invidious Name of Friends to the Stamp Act...[when] in Truth such a Character did not exist in the Province."³⁹ Bernard did not "arraign...[the House] for a discretionary exercise of a legal right but an improper exercise of it in a very uncommon case."⁴⁰

Thomas Hutchinson claimed he was "patient" under his "misfortune".⁴¹ But he continued to attend Council meetings during 1766-1767, although he did not vote. Bernard tried to pave the way for Hutchinson's return. He argued with the House that every Lieutenant-Governor since the 1630s, with the exception of one, had been a member of the Board. But the House and the now Whig dominated Council refused to accept this historical fact as a constitutional precedent, and /

and declared that he would have to seek re-election like any other nominee.⁴²

Hutchinson was narrowly defeated in the 1767 election, and in the next he lost by only four votes. On both occasions, Tory and moderate representatives rallied behind Hutchinson.⁴³

In the session of 1766-1767, the distribution of political power in the Council was as follows: eight Tories, six moderate Whigs, four radical Whigs and three non-aligned members.⁴⁴

Bernard was again denied the co-operation of the Council in urgent matters; at least, the Board refused to endorse his proposals and recommendations.

The Council declined to assist in the investigation into the affair of Daniel Malcom, a Whig merchant who had used force to prevent customs officers from inspecting his house.⁴⁵

With the Tories in the minority in both chambers, they were unable to prevent the dismissal of Richard Jackson as province agent and his replacement by the Whigs' candidate Dennis De Deberdt.⁴⁶

Moreover, during the winter of 1766-1767, the councillors began to make decisions without the Governor being present, as was required by the Charter. This occurred during a controversy between the House and the Council over the latter's decision to vote supplies for two companies of British soldiers who were on their way to Quebec when bad weather forced their transports to head for Boston. The troops remained at Castle William for two months. The General Court was in recess during this period, therefore the Council acted in accordance with its "emergency powers" to dispense province funds without the approval of the House. The cost involved was small, some £60.

But, as Bernard reported to Grafton's Secretary of State, the Earl of Shelburne, the Whigs in the lower chamber believed the Council's action had infringed the House's prerogative to initiate money bills: it "appears to them as real a grievance as the stamp-act".

On February

4,/

4, the House approved a message to Bernard in which they challenged the right of the Governor-in-Council to dispense public funds without the consent of the lower chamber.⁴⁷ Bernard replied on the 17th, arguing that neither he nor the Council had conspired to do this, but acted in accordance with the Council's legislative powers and in fulfilment of the province's obligations under the Quartering Act of 1766.⁴⁸ The Council repeated much of what Bernard had said in an address to the House composed by James Bowdoin.⁴⁹ Bernard, understandably, welcomed the concurrence of the Council on this issue. But he suspected that Bowdoin's message was approved by the councillors in an informal meeting before it was tabled before the whole Council. On this occasion, he was prepared to acquiesce in the Board's unconstitutional procedure "without entring [sic] into Arguments or making conclusions there from."⁵⁰ It was the first of many incidents in which Bowdoin and the other Whigs were to spur the Council to act independently of the Governor.

The Whigs did not relent in their attempts to purge the Council of Tories. In the election of 1767, Israel Williams - "a constant Supporter of Government, & a known Friend to the L[ieutenant]^t Gov[ernor]^r was flung out."⁵¹ Bernard "did not mean to decline the full exercise" of his authority and vetoed five of the House's nominees. He accepted only those radicals elected in previous years (Bowdoin, Powell and Bradbury), as well as the moderates whose Whiggism was never deeply offensive to him and whose allegiance he wished to cultivate (Erving, Gray, Royall and Danforth).⁵² He also welcomed back the moderate Nathaniel Sparhawk, left out in 1766, because he "had behaved with more decency than the rest."⁵³ Seven Tories were elected (Paine, Flucker, Hubbard, Lincoln, Chandler, Ropes and John Worthington.)⁵⁴

Bernard's anti-radical tactics won the approval of the Tories. Andrew Oliver believed that negating the radicals was /

was the only way to prevent the Whigs from having "it in their power to model the council as they please." ⁵⁵ Before the election, four representatives - "Men of the first character for Ability Integrity & Rank, & constant Supporters of Government" - came to Bernard and urged him to "keep steady" in his opposition to the Whigs. "They spoke in the name of the generality of the friends of Government in their House." ⁵⁶

While during 1767-1768, the Tories and dissident moderates in the House provided strong opposition to the Whigs, there were indications too that the moderate Whig councillors, who held the balance of power on the Board, discountenanced the radicalism of the Whig leadership.

John Rowe recorded in his diary one "Disagreeable" incident that took place in February 1768 at the British Coffee House involving John Erving and the radical merchant William Molineux. A heated discussion took place among a group of merchants and Whigs concerning a seizure made by Timothy Folger, a recently appointed custom officer. Molineux asserted "most Cruelly and Barbarously" that the money Folger made from seizures he gave to Commissioner John Temple, in return for Temple having secured his appointment. Erving, whose son-in-law James Bowdoin was Temple's father-in-law, asked Molineux, "Surely you cannot believe [that Temple was]...guilty of so Base a Design"? He admonished Molineux for having "behaved very Ill in making the company think so." But Molineux replied several times, "I do Believe it." Whereupon "Mr Erving & Molineux had some smart speeches with each other" that made their associates "very uneasy". James Otis ended the argument by producing a copy of Folger's commission (conveniently at hand) which confirmed the truth of what Molineux had alleged - that Folger's one third profit from seizures was to go to Temple "for his Majesty's use." ⁵⁷

The moderatism displayed by Erving (though it was, of course, in part a defence of his family's reputation) prevailed within the Council. On March 1, Bernard drew the councillors' attention to an article in the Boston Gazette by "A True Patriot" (Dr. Joseph Warren) which he thought libellous. The "Patriot" claimed to have "full proof" of the Governor's "cruelty" to Massachusetts, of inducing Secretary Shelburne "to form a most unfavourable opinion of the province in general, and some of the most respectable inhabitants in particular." The Council shared Bernard's outrage at this "insolent and licentious" attack on the King's representative. It was "subversive of all order and decorum" and "manifestly tends to destroy the subordination, that is absolutely necessary to good government, and to the well-being of society."⁵⁸ Twenty councillors attended this particular meeting,⁵⁹ and both Whigs and Tories sided with the Governor:

most of the Gentlemen spoke to testify their abhorrence of it; and it was remarkable that some of those who heretofore had inclined to the Popular Side were most remarkable in their Resentment of this outrage.

It was agreed to send the libel down to the House for its consideration.⁶⁰

A contrast in attitudes between the Whigs of both chambers could not have been more apparent. The House debated the matter for two days. James Otis "behaved like a madman" and abused every councillor "in the grossest of terms". The vote was close, the members dismissing the Governor's charges by thirty-nine votes to thirty.⁶¹ In replying to Bernard on March 3, the House denied allegations that the "Patriot" had abused the "Majesty of the King, [and] the Dignity of the Government", for "No particular Person, public or private" was mentioned/

mentioned by name in the article.⁶² The following day, Otis came into the Council chamber and "with oaths and Imprecations vowed Vengeance upon the whole Council at the next Election." He threatened one councillor (it is not known whom) that "He should never sit at that Board after his Year was out." Intimidated by this display, the Council rejected Bernard's request that the printers of the Boston Gazette, Whigs Benjamin Edes and John Gill, should be prosecuted. One councillor advised the Governor "in the name of some Friends" not to proceed with the matter any further and thus put in jeopardy the bi-partisan co-operation he had but so recently received: "It was suggested that it would be better to leave this Matter where it stood with a continued Unanimity of the (allmost) whole Council, than by proceeding further to divide them."⁶³

Bernard concluded that in spite of their "Spirited exertion" over the libel, in which they followed "the Dictates of their own Judgments", the councillors, like the friends of government in the House, grew "timid & irresolute" when attacked by the radicals. Bernard directed Chief Justice Hutchinson to present the libel to a grand jury. But the jury refused to make an indictment.⁶⁴

After the election of 1766, the moderate Whigs held the balance of power in the Council. During a period of relative political quiet, May 1767-May 1768, when the friends of government gathered support in the House, Bernard won the active co-operation of both the moderates and Tories for his schemes - something which he had been unable to achieve during the Stamp Act Crisis. Bernard did not court the moderates' allegiance, save by continuing to accept their nominations by the House when he negatived others, and based his policy considerations upon their evident distaste for the radicalism of the Whig leaders. By the time of the 1768 elections to the Council, the British government/

government had sent its approval of Bernard's negating tactic. The Earl of Shelburne thought it justified in view of the House's refusal to return the senior executive officers and judges to the Board.⁶⁵ Bernard put it to the House that Shelburne's approval was an "admonition, rather than a censure", and that "Prudent men, moderate men would have...made use of it as a means of reconciliation, rather than of further distraction."⁶⁶ Despite this plea for the moderates to desert the Whig party, the House turned out from the Council John Chandler. But the friends of government were strong enough to prevent the removal of the remaining Tories "by a few Votes". Bernard negated six of the Whigs nominated by the House and again accepted the election of the moderates.⁶⁷

3. Bernard, the Council and the Liberty Riot, June-July 1768.

In the session of 1768-1769, the moderates once again held the balance power. The seven moderates could ally themselves with the seven Tories to support Bernard or with the six radical Whigs to oppose him. (There were two neutrals.)⁶⁸ It was therefore in Bernard's interest to build on the harmony that had prevailed within the Council during the early spring and try to win the confidence and support of the moderates and Tories. But his hopes were dashed when, following the Liberty Riot of June 10, the period of political calm was replaced by one of intense agitation, in which not only moderates but Tory councillors also chose to side with the radicals against him.

The Liberty Riot left Francis Bernard in a quandary. He now resigned himself to the fact (as he believed) that British troops were necessary to support the authority of the provincial government and protect officials in the execution of/

of unpopular acts of Parliament. But he had no desire to ask Britain for the troops. If he chose to, he was bound by law to acquire the consent of the Council. There was little chance of gaining the support of the Board for this. In March, the Council had rejected a similar request, and in no uncertain terms made it clear to Bernard that they could see no justification for regular troops to be stationed in Boston. Bernard's preference was for the British government to order troops direct to Boston, thereby alleviating his predicament. Although Secretary Hillsborough had already dispatched orders for the deployment of troops, General Gage never received them until late August or early September.⁶⁹ Thus, in the summer of 1768, Bernard was compelled to seek the advice of the Council in making a request to Britain for troops.

The Council met on June 11, the day after the Liberty Riot, to inquire into the disturbance. A committee of councillors who were Justices of the Peace was appointed to do this, and reported back that more disturbances were unlikely. The Council met again on the 13th, and Bernard read the members a letter he had received from the Customs Commissioners complaining that no action had been taken to prevent further riots and ensure their safe return to the town. Bernard intimated that he was "under apprehension of fresh disturbances" and urged the Council to consider what measures could be taken to prevent them. The councillors refused to be drawn into agreeing to making a request for troops and reiterated their opinions regarding the unlikelihood of more disturbances. Bernard was advised to consult with the House, now in session, and the Board promised to give an answer once the decision of the House had been heard.⁷⁰

The joint committee appointed by the House and Council met/

met at least three times during June. Bernard consulted with the committee, and, while denying the accusations that he had already made a request for the troops, hinted that they could be sent by order of the British government in response to the riots of March and June regardless of what he or the committee thought. Their presence, he continued, "would be very satisfactory to most People of Property in the Town."⁷¹

The committee refused to be brow beaten. The introduction of the Townshend Acts, read the reply to Bernard, had been the original cause of the discontent, and the "new and unprecedented procedure" of the customs officers in seizing Hancock's Liberty and mooring her alongside the Romney had precipitated the riot of June 10. The committee recommended that the General Court "make [a] strict enquiry into all Grievances" surrounding the Liberty Riot, but maintained that troops were not needed to preserve civil order or protect government officials. It was suggested that the Justices of the Peace should attend the Governor for instructions on preventing and ending disturbances and that the Attorney-General be directed to prosecute the rioters.⁷²

The committee was expressing the majoritarian Whig view concerning popular disturbances: riots did not undermine the authority of the provincial government nor threaten to bring down the social-political structure; they were symptomatic of popular fears that Britain was endeavouring to "enslave" the colonists by imposing direct taxes upon them. The Liberty Riot, like the Stamp Act Riots, occurred in response to actions of government officials who were committed to executing unpopular acts of Parliament. The report was probably the work of the Whig majority on the committee, though the committee did include five Tory representatives. But it did not pass the House.⁷³

Bernard encountered increasing bi-partisan opposition to/

to his schemes from within the Council. Circumstantial evidence suggests that Bernard alienated both Tories and moderates by his request for troops. While Tories were alarmed by the Liberty Riot and the "revolutionary" activities of the radicals, they were not prepared to countenance a request for troops and thus bring the resentment of the populace and radicals down upon their head; nor, we may conclude, did they believe that troops were warranted, and throughout June and July they joined the Whigs in composing a petition to have the "original cause" of the disturbances - the Townshend Acts - repealed.

On June 29, the Council appointed a committee to prepare an address to the King on the state of the province. The members were James Bowdoin, Royal Tyler and William Brattle, and Tories James Russell and Thomas Flucker. The committee's business was suspended when Bernard dissolved the General Court on the 30th after the House had refused to rescind its vote on the circular letter. Bowdoin and another councillor remonstrated with the Governor and pledged that the Council would proceed to complete the address. Bernard warned them of the unconstitutionality of this action, that the Council could not exercise its legislative functions when the Governor was not present. But "after much altercation" Bernard was prepared to compromise and agreed to send the address to Hillsborough on condition that it was "inoffensive". He refused to accept or transmit any petitions to Parliament, if they too were drawn up by the Council.⁷⁴ The address to the King was composed principally by James Bowdoin and approved by the House on July 7.⁷⁵

Why did Bernard compromise with Bowdoin? He explained to Hillsborough that the reason for doing so was "to obviate the misrepresentation which this Business would otherwise be subject to."⁷⁶ In other words, Bernard realised that the Council would press ahead with the petition regardless of/

of what he said, and in a pique of resentment misrepresent his conduct to the King, ministers and Privy Council. But why should Bernard have been concerned at this? For the House many times before had claimed that he was guilty of such a charge. The main reason for Bernard's action, rather, was to satisfy the demands of the Tories who, with the appointment of Russell and Flucker to the committee to prepare the petition, had aligned themselves with the Whigs to protest against the Townshend Acts. (It was not until April 1769 that Thomas Hutchinson observed that the other councillors "leave Flucker out of their Secrets." ⁷⁷) According to Bowdoin, the Council was "fully convinced" of the necessity of petitioning the King and Parliament to obtain a repeal of the Duties that had been the fundamental cause of the recent disturbances. Bowdoin did not claim that all the councillors were of this opinion, only "a number of the Council." ⁷⁸ The petitions may have been supported by Tories other than Flucker and Russell, for the address to the King was of a peculiarly mild cast intended, perhaps, not only to persuade Bernard to send it to Britain but to please the seven Tory councillors. ⁷⁹ Thus, by placating the Tories and moderates over the petition to the King, Bernard may have hoped to gain their support for his request for troops should he have to make it again in the near future.

In the meantime, General Gage, hearing of the Liberty Riot, enquired of Bernard whether he needed military assistance. Bernard replied that he was bound by constitutional procedure to seek the approval of the Council and could not take the decision by himself. But still hoping for the British government to send the troops direct, he asked Colonel Dalrymple, the commanding officer of the regiments at Halifax, to "let me appear a Stranger to it [the direct order] untill it becomes necessary to communicate it to me officially." ⁸⁰

Bernard submitted further requests for troops to the Council on July 22 and 27. He stated that General Gage was merely awaiting their approval, and reminded the Council that nothing yet had been done to ensure the safe return of the Customs Commissioners. If the Council refused to offer advice on this matter, he warned, it would be construed as a neglect of duty by the King and the British government.⁸¹

The Council's reply was delivered on Friday July 29 and echoed the Whiggish sentiments of the joint committee's report. The Liberty Riot "seems to have sprung wholly from the Persons who complain of it, by the plan laid and the orders given for making the seizure [of the Liberty]...and carrying it away by armed Force." The Commissioners and customs officers had a "preconcerted Plan" to seize the vessel. The "Violence and Unprecedentedness of the Proceedure" in bringing the sloop alongside the Romney to prevent a possible rescue attempt was the immediate cause of the riot. Bernard was again enjoined to rely upon existing law enforcement agencies - Justices of the Peace and town officials - to preserve civil order and prevent riots. The address ended with a warning for Bernard:

The Board being fully assured that his Excellency has not wrote for Troops, take this Opportunity to express that Assurance: and at the same time to declare that if any Persons have made Application to General Gage for Troops to be sent hither, we deem them in the highest degree unfriendly to the Peace and good Order of this Government, as well as to his Majesty's service and the British Interest in America. 82

The reply was prepared by a bi-partisan committee of Whigs James Bowdoin, Harrison Gray and William Brattle, and Tories Thomas Flucker and Nathaniel Ropes.⁸³ We cannot say for certain whether the address was composed with the unanimous agreement/

agreement of the committee members or reflected the opinions of the Whig majority only. Similarly, the address was approved by the Council when the Whigs were in the majority.⁸⁴ Nevertheless, as Bernard informed Lord Barrington, at the meetings of July 22 and 29 the councillors (Whig and Tory) unanimously rejected the request for troops. Bernard was quite unprepared for "the high Strain of the present Popularity with which this Question was treated; from whence I am, convinced that I am no longer to depend upon the Council for the Support of the small Remains of royal & parliamentary Power now left."⁸⁵

On July 30, Bernard moaned that "now all the Burden is to be laid upon me."⁸⁶ But the burden was lifted when that same day Hillsborough ordered two regiments from Ireland to Boston. Gage received his orders to send troops from Halifax to the Massachusetts capital late in the summer.⁸⁷ The problem which Bernard now faced was to obtain the assistance of the Council in quartering the soldiers. Of this, there seemed little prospect of success, given the opposition of both Tories and moderates to his request for troops.

* * * * *

With the Tory membership of the Council severely reduced after the Stamp Act Crisis, the moderates had held the balance of power on the Board. During 1767 and 1768, there were indications that the moderates' disapproval of the radicals' schemes/

schemes would lead them to join the Tories in support of Governor Bernard. But in June 1768, following the Liberty Riot, moderates, radicals and some Tories united to defeat Bernard's request for troops. They believed that troops were unnecessary for maintaining civil order. The combination was not wholly artificial, for they had co-operated in refusing to implement the Stamp Act and in preparing a petition against the Townshend Acts.

CHAPTER SIX: BERNARD, HUTCHINSON AND THE COUNCIL, AUGUST 1768-1770.

The arrival of the troops in Boston in October 1768 precluded any possibility of the moderates coming over to Bernard's side. They were joined by a few Tories in their efforts to obstruct Bernard procuring quarters for the troops. Through coercion and pressure of his own, Bernard managed to win their co-operation momentarily, but the majority of councillors quickly united against him and called for the troops to be withdrawn. Thereafter, the radical councillors were successful in forging an alliance with the moderates and three Tories that lasted until 1770. The publication of Bernard's letters to Shelburne and Hillsborough, in which he recommended the appointment of a mandamus Council, alienated the moderates completely. Thomas Hutchinson, however, recovered some of the ground vacated by Bernard and won the active co-operation and confidence of the moderate councillors.

1. The Arrival of the Troops and the Dispute over Quartering.

In the first weeks of September, Bernard gave out hints that the troops would soon be arriving, but claimed misleadingly that he had still not received confirmation of this news. His duplicity was intended to precipitate a response from the Whigs/

Whigs, whose fury he hoped would have lessened by the time the troops arrived.¹ When the Bostonians heard the news, bonfires were arranged on Beacon Hill to warn of the arrival of the troop transports. Debates in the town meeting turned on the question of arming the inhabitants to defend themselves against the "foreign" invasion.² On September 11, the councillors resident in or near Boston presented Bernard with an address warning that the news of the troops being sent to Boston had "a good deal agitated the mind of the people." In the coming months, Bernard could expect little assistance from the Whigs and Tories who signed the address: John Erving, Harrison Gray, Royal Tyler, James Bowdoin, James Pitts, Thomas Flucker and Thomas Hubbard.³

On September 19, Bernard broke the news to the Council that General Gage had dispatched troops from the 14th and 20th regiments at Halifax to Boston, and that another regiment was soon to be expected from Ireland. One of the Halifax regiments was to be billeted in Castle William and the others were to be placed in the town.⁴ The Council, however, declined to act on Bernard's request to procure quarters for the soldiers in the town and insisted that it was the responsibility of the town officials.⁵ Gray, Hubbard, Erving, Flucker and Tyler consulted with the selectmen of Boston, and on the 22nd reported back that the selectmen would not consider arranging accommodation for the troops until the barracks at the Castle had been filled; this, they said, was in accordance with the procedures laid down in the Quartering Act of 1766. Bernard countered their intransigence by suggesting that the Manufactory House, a public building, be fitted out as a town barracks.⁶

Bernard suspected the councillors of complicity in James Otis's scheme to have the townspeople refuse to hire out buildings or sell provisions to the troops.⁷ (Also, he no doubt recalled that during the French and Indian War the town magistrates and General Court had resisted several times the pleas and the/

the attempts of British commanders to place troops in private houses and buildings, and argued that a colonial quartering act was necessary for this to be done legally. More recently, the New York legislature had been in dispute with Governor Henry Moore and General Gage over the terms of the Quartering Act of 1765 and 1766. Until June 1767, the legislature refused to pass bills furnishing the troops with supplies or provisions. Eventually, the House of Commons voted to suspend the assembly until it complied with the orders.)⁸

The Council had still to deliver their formal reply to Bernard's request. The members met on the afternoon of the 22nd without Bernard and appointed a committee of Bowdoin, Gray, and Tyler to prepare their address. Bad weather prevented Bernard coming to Boston from his home at Roxbury until the 24th. Bernard received the Council's reply, but then asked the members to rewrite it and take out several passages which he thought objectionable. The Council adjourned to 9 a.m. on the 26th.⁹

When Bernard entered the Council chamber on the morning of the 26th, he interrupted a councillor (it is not known whom) and a printer correcting proofs of the Council's address for publication. Bernard protested that the address could not be made public until it had been formally approved by the Board. On perusing the document, he noticed that several amendments had been made to the address which he had received from the Board on the 24th; not all the amendments concerned those passages which he had asked them to omit or rewrite.¹⁰

There was one important addition to the draft prepared by Bowdoin, Tyler and Gray that was included in the final version approved by the Council on the 26th and presented to Bernard. Its/

Its inclusion suggests that the Whig majority on the Council, possibly with the assistance of one or two Tories, had resolved to take a more radical stance in their opposition to Bernard over the quartering of the troops. The addition on the original draft is in the handwriting of James Bowdoin and reads:

[The Council] are fully persuaded his Majesty's Ministers would never have judged it either necessary or expedient to go into such extraordinary measures as those of sending Troops hither unless in ye representations made from hence by some ill-minded Persons the s[ai]^d had been greatly magnified and exaggerated. ¹¹

In July, the Council had warned Bernard that if troops were sent to Boston he would be adjudged as guilty as the Customs Commissioners for misrepresenting the state of the province to the ministry. The September address avoided all pretence and was a fully-fledged attack on the honesty and credibility of the chief magistrate.

This attack on Bernard was too much for some of the councillors to accept. Bernard reported that on the 26th seven members approved the address while three voted against it. ¹²

Bernard's arithmetic was wrong, unless, of course, one member abstained, for eleven not ten councillors were present when the address was approved. We may conjecture that the division was Danforth, Erving, Brattle, Bowdoin, Gray, Tyler, Pitts and Powell versus Hubbard, Russell and Flucker. ¹³

One of the councillors who voted with the majority, nevertheless, did so under duress for he was alarmed by the radicalism of the document. He "rather acquiesced than approved" and refused to concur with the majority until he was taken aside by another member who lectured him on his folly:

"I/

"I have no immediate Communications with them" (meaning the Sons of Liberty) "but I know pretty well what is going on by my intimately conversing with many of the middling People [.] I say it again & again & would have it well understood, that if we doq't print the Answer to the Gov[erno]^t this Day there will soon be no Government." 14

The troops from Halifax arrived at Nantasket Roads in Boston harbour on September 28. Bernard invited their commanding officer, Lieutenant-Colonel William Dalrymple, to attend a Council meeting at Castle William the following day. (The choice of venue was surely an attempt by Bernard see how the councillors would respond outside the intimidating and frenetic atmosphere of Boston.) Dalrymple addressed the members in a "Genteel Manner", but to their dismay explained that he did not consider Castle Island to be part of the town of Boston, and that his orders explicitly stated that at least one regiment of troops was to be stationed in the town. He could not, therefore, agree with the Council's proposal that all the troops should be placed in the Castle. Bernard interjected and reiterated his suggestion that the Manufactory House be fitted out as a barracks. An "angry dispute" followed, for on September 19 the Board had been informed that one regiment was to be sent to the Castle; now it seemed that all along Bernard and Dalrymple had intended to place both of the Halifax regiments in the town. The Council refused to answer Bernard's proposal until Dalrymple had left the room. Then they submitted a deposition referring both Bernard and Dalrymple to the regulations and procedures of the Quartering Act. His patience finally exhausted, Bernard took the responsibility of designating the Manufactory House for use as a barracks. (Troops were also allowed to settle in the Common and Faneuil Hall.) 15

Dalrymple appeared before the Council again, on October

3, two days after the troops arrived in the town. This time he asked the Board to vote provisions and supplies for the soldiers in accordance with the terms of the Quartering Act. (The General Court was not sitting.) The request, noted Bernard, was delivered "in very strong Words, not without some Hints of the King's Resentment which would follow their Refusal!" But the members were in a defiant mood. They rejected Bernard's proposal that a civilian quartermaster be appointed to supervise the operations and refused to allocate any province funds. Once again, they asserted that the troops should be removed from the province altogether and those expected from Ireland sent elsewhere.¹⁶

The councillors were not of one mind however. Bernard considered that the ten councillors who regularly attended Board meetings during September could be divided into "4 principal Managers, 2 Aides & Abettors, 3 Acquiescers overawed, 1 opposer and Protester [against the Whigs] through the whole."¹⁷ We may speculate that these members were: Bowdoin, Tyler, Pitts. and Brattle; Erving and Danforth; and the rest from Gray, Flucker, Hubbard and Russell.

The divisions between the radicals (with Brattle) and the other councillors became more apparent at the next Council meeting of October 5. Immediately before the meeting, some of the members met to consider what steps to take to end the deadlock over the quartering dispute. Two of them visited Bernard in the chamber with a proposal that if he could persuade Dalrymple to put one of the Halifax regiments in the Castle they would vote money for provisions for the other stationed in the Common and Fanieul Hall. To all intents and purposes, these men were giving up the fight. Bernard refused to make a bargain, no doubt realising that there was no guarantee that the majority of the Council would agree to a compromise. During the conversation, Dalrymple entered the chamber and listened/

listened intently. He insisted that his orders would not permit such a compromise, but intimated that his superior, General Gage, was already considering moving one of the regiments into the Castle if the situation in the town remained quiet and peaceful.

This scrap of information about Gage was encouragement enough for the moderates, and at the Board meeting a motion was tabled that the troops should be supplied. It passed by eight votes to five. (The division may have been Flucker, Russell, Hubbard, Danforth, Royall, Erving, Gray, Brattle or Powell against Bowdoin, Tyler, Pitts, Dexter, Brattle or Powell.)¹⁸

But it was a hollow victory for Bernard, for the Council refused to allocate funds in accordance with their decision. If a quartermaster was to be appointed, the members argued, then he must be prepared "to take the risk" that the General Court might never reimburse him. The assembly had been in recess since June 30, and it was well within the Council's legislative jurisdiction to make the allocation. However, in the past, the House had berated the Board for taking such action without consulting it (see Chapter Five, pp.156-157). The moderates who held the balance of power at this meeting had no desire to enter into conflict with the Whigs in the House again, but at the same time were looking for a way to end the quartering dispute. The adoption of the proviso respecting the quartermaster's funds, however, defeated "the whole Purpose" of the vote agreeing that provisions should be made, and demonstrated once more how little Bernard could rely upon the moderates to carry the Council.¹⁹

Bernard pressed on regardless. He called a Council meeting for October 17 and again tabled his proposal to convert the Manufactory House. Eleven councillors were present (radicals Bowdoin, Tyler, Dexter and Pitts; moderates Gray, Erving, /

Erving and Danforth; Tories Flucker, Hubbard, Russell and Worthington). The motion was hotly debated, and they sat from early morning until 8 p.m.: "The Whole was a Scene of Perversion, to avoid their doing any thing towards quartering the troops." ²⁰

Bernard left nothing to chance and tried to intimidate the moderates and Tories into compliance. He invited General Gage (who had recently come to Boston) to the chamber to lend weight to his arguments. And he employed a tactic that he had been using since September 29: he "began to take minutes of what they said in answer to him, in order that he might represent it to [the] administration at home." ²¹ As was revealed by the publication of Bernard's letters to Hillsborough in 1769, this was no idle threat. ²² One Whig source reported that the councillors were "greatly disturbed" at Bernard's "illegal method". ²³

Bernard's cajolery succeeded in winning the co-operation of the moderates and Tories and provoking the radicals into an act of rash defiance. The opposition to Bernard was led by one member who declared that the Manufactory House was an unsuitable building for use as a barracks. According to Bernard, this was "so notoriously contrary to the Truth that some Gentlemen expressed their Concern that it should remain upon the Minutes." (Whether he meant the Council records or the personal notes he was keeping is uncertain.) In order to "induce" the Governor to consent to it being expunged from the record, a proposal was made in writing agreeing to the refurbishment of the Manufactory House, but on condition that it should be used only for those troops that could not be accommodated in Castle William. "This was violently opposed, but was carried in the Affirmative 6 to 5." ²⁴

Unfortunately, we cannot put names to the division. But it is clear that most of the non-radicals desired to put an/

an end to the quartering dispute. When the Council published a vindication of its conduct from the charges levelled in Bernard's letters to Hillsborough, it was admitted that some members had made a "bargain" with the Governor.²⁵ Later, seven councillors who were present on October 17 appealed to Bernard to withdraw their names and their votes. Bernard refused.²⁶

Bernard encountered severe problems in acting upon the Council's advice. The Manufactory House was in the hands of one John Brown who had leased it from the province. Since March, the premises had been given over to the production of linen goods, a scheme sponsored by the town's merchants. When the troops first arrived in the town, the Whigs filled the building with people in order to prevent its conversion into a barracks. On October 19, Sheriff Greenleaf and Justice of the Peace Sylvester Gardiner were refused admittance by the squatters. Greenleaf returned the next day accompanied by Thomas Hutchinson and a small detachment of troops. He forced his way into the building but was repulsed, and had to be rescued by the soldiers.²⁷

Bernard then summoned the local Justices of the Peace to the Council chamber and instructed them to procure other billets for the troops. He explained to the Council that the civil magistrates were legally obliged to find accommodation for the troops.²⁸ But on October 20, the Justices informed Bernard of their refusal. Two of them told the Governor that they "had been much influenced by the [Council's] Argument that the Barracks at the Castle ought to have been filled &c." Bernard drew their attention to an obscure reference in the Council minutes which stated that the troops from Halifax and Ireland (who had not yet arrived) could not all be accommodated in the Castle. The Justices reconsidered their decision, but again resolved not to comply with Bernard's order. On October 24, eight of the Justices submitted a deposition arguing/

arguing that it was the duty of the municipal officers - the constables and selectment - to quarter the troops.²⁹

In fact, little had been expected of the Justices. Andrew Oliver and Thomas Hutchinson had long maintained that Whig J.P.s would not act contrary to the interests of the protest movement, and they criticised Bernard for not recognising this fact.³⁰ But, said General Gage, in consulting with the Justices Bernard had simply tried the next alternative that was available to him in order to find quarters for the soldiers: it "was known before hand they would have no Effect, but it was proper to try and get the Laws enforced."³¹ The Earl of Hillsborough had been concerned for some time at the inability and unwillingness of the J.P.s to suppress riots or follow Bernard's directions. Already, he had recommended Bernard to appoint Justices "who will be zealous to support the law and the constitutional authority of Parliament," and directed him to deliver a proclamation to the Boston J.P.s urging them to exert themselves in the maintenance of law and order.³²

Hillsborough's instructions and the refusal of the J.P.s to quarter the troops convinced Bernard of the need to make new appointments quickly. He decided on "adding new Justices to the present Bench,...[and] by engaging Gentlemen who are already in the Commissions to fix [upon] Persons who will undertake to Act." This method got round the "absolutely impracticable" task of persuading a Whig dominated Council to annul the commissions of Whig J.P.s. In the past, Councils had rarely rejected governors' nominees.³³

The first appointment under Bernard's "reforming plan" was the Boston Tory James Murray. His name was submitted to the Council for approval on October 26. The nomination was received "very coolly" because Murray was "not popular". Defending Murray's Tory credentials, Bernard retorted, "if he/

he had been I should not have named him." The Council did not veto Murray's candidacy, for he "was allowed to be in every other respect a most unexceptionable Man." ³⁴

Bernard continued in his "reforming plan" (as it was called by the Whigs) and the Council did not block any of his nominees. A total of twenty-one Justices were appointed from October 1768 until August 1769 when Bernard left the province. Among them were six friends of government: his son John Bernard, Robert Auchmuty, Oliver Partridge, Gardner Chandler, Joshua Loring and William Coffin Jr. ³⁵ However, the "reforming plan" did not meet with the success that Bernard had anticipated, because few friends of government could be persuaded to accept commissions (see Appendix C).

The Justices of the Peace, the Council and the municipal officers of Boston had all obstructed Bernard's attempts to procure quarters for the troops in Boston. But from his point of view, the situation improved considerably toward the end of October.

The rebellion against the "standing army" predicted by the radical propagandists never materialised. Army and naval officers were surprised by the peaceable condition of the town, in contrast to the pessimistic reports dispatched to Whitehall by the Commissioners of Customs and Governor Bernard. ³⁶ According to John and Jonathan Amory, there never was any likelihood of armed resistance:

We entertain no Thought of opposing the King's Troops. The People here retain their Loyalty & Affection for the King & dont even wish for an Independence but they are determind not to be Slaves of their fellow subjects in Great Britain.... We don't yet despair of Redress in a Legal Way. ³⁷

As the anger of the townspeople subsided, Dalrymple and the army quartermasters had been unexpectedly successful in procuring private accommodation for the troops to the extent that the Manufactory House was now surplus to requirements. Bernard informed Gage that Dalrymple was doing "pretty well" in hiring buildings.³⁸ Just six days after the troops arrived, James Murray, for example, let his dwelling house and sugar house for use as barracks, at the cost of £15 per month.³⁹ James Forrest leased a house at £60 per annum which he had recently purchased for £50.⁴⁰ The Whigs in the Boston Gazette accused such men of Toryism and disloyalty to their country.⁴¹ But Whigs such as John Rowe and William Molineux also charged the army exorbitant prices for the use of their storehouses.⁴²

With the non-importation agreement drawn up in August due to take effect on January 1, traders and citizens welcomed the opportunity to make money from the soldiers and sailors in the town. Anne Hulton observed that shopkeepers made the troops "pay more handsomely for every thing, than they do their own people." Bernard thought that the "People in general are very well satisfied with the Troops being here". The country farmers "who supply the Boston Markets wish there was more of them."⁴³ A year before, General Gage had drawn a comparison between the situation of the army in the American colonies with that in Scotland following the Jacobite Rebellion of 1745: the hostility of Jacobites and non-Jacobites to the army of occupation was assuaged by the fact that "Butchers, Bakers or other People...benefit by the Troops".⁴⁴ This was also one aspect of the economics of Loyalism in Boston in 1768.

Encouraged by the favourable change in circumstances, Bernard called the Board together for October 26. He announced /

announced that he was now "at the End of my Tether" and appealed to the members to appoint civilian commissaries for the troops. After a "long debate", they "declined by Silence". Bernard declared that he himself would appoint one, and trusted that this initiative would put an end to the Quartering Controversy.⁴⁵ And so it did. But the fact that in this instance Bernard acted upon his own authority without the advice of the Council, after spending four months trying to win the Board's approval for a request for troops and their assistance in quartering the troops, demonstrated how little co-operation Bernard could now expect from the Council. James Bowdoin stepped into the political vacuum and was able to unite the moderates, radicals and a few Tories against Bernard.

2. Bernard and the Alienation of the Moderates, October 1768-August 1769.

The political basis for co-operation among the moderate, radical and Tory councillors and their opposition to Bernard had been laid during the Stamp Act Crisis, and was resurrected from the moment the Council heard of Bernard's plans to make a request for troops. By the same token, as Bernard maintained, the moderates' and Tories' reluctance to cross the radicals within the Board and without also dated from 1765, and was again much in evidence during 1768-1769. Bernard too tried to coerce the Tories and moderates, but in the end these groups succumbed to ideological and political pressures exerted by the radical Whigs, not the Governor.

Prior to the Council meetings of October 26, Bernard knew that some of the councillors were preparing an address to General Gage calling for the withdrawal of the troops. He/

He knew also that the Whigs were expecting to "get a great Number of Hands to it"; or, in other words, to attract support from the moderates. The address, therefore, would mend the divisions in the Whig ranks that Bernard had exposed when the Council agreed to allocate the Manufactory House for use as a barracks. Anxious to prevent this, Bernard resolved that on the afternoon of October 26 he would "move a Matter that would show their Disposition to pay a proper regard to His Majesty's Commands." ⁴⁶

He informed the Board of a letter he had received from the Commissioners of Customs asking whether the Council would advise if it was safe for them to return to Boston from Castle William (where they had been since mid-June following the Liberty Riot). Bernard used the letter to play for effect upon the ideological consciences of the Tories and moderates. The question was "very embarrassing" to the Council: "if they said No, they would Contradict all their Assertions that there was no Occasion for Troops to support the Civil power." ⁴⁷ In considering the request of the Commissioners, the Tories and moderates were caught between their concern for the maintenance of governmental authority, which in this instance revolved around the safety of senior officials, and their fear of being proscribed as "enemies" to their country for aiding the Commissioners and the Governor.

Nineteen councillors were present to hear the question: radicals Bowdoin, Bradbury, Pitts, Dexter and Tyler; moderates Danforth, Royall, Erving, Sparhawk, Gray and White; Tories Lincoln, Hubbard, Flucker, Ropes, Paine and Russell; and two neutrals, John Hill and Gamaliel Bradford, who rarely attended Council meetings. The Council deliberated for two hours before they answered. Five members refused to give an answer because they "lived out of town", and claimed that they were too ill-acquainted with the situation in Boston to tender meaningful advice. We can deduce that the five were/

were drawn from the following list of councillors who lived outside Boston: Dexter (from Dedham); Danforth and Russell (Charlestown); Hill (?); Sparhawk (Kittery and Boston); Royall (Medford); Bradbury (York); Bradford (Duxbury); White (Taunton). Two councillors refused to answer the question without giving a reason and submitted depositions condemning the Commissioners for leaving the town in the first place. (The identities of these radicals are unknown.) Thus, twelve councillors were left to decide the issue, and those twelve advised Bernard that the Commissioners could return to Boston without fearing for their safety. The twelve members almost certainly included the five Tories (Lincoln, Hubbard, Ropes, Paine and Flucker.)⁴⁸

But the Governor's victory was short-lived. The following day, fifteen councillors, including the Tories James Russell and Thomas Hubbard and the moderates Danforth, Sparhawk, Gray, Erving and White, signed the address to General Gage calling for the withdrawal of the troops from Boston. Only three of the councillors present at the meetings on the 26th refused to subscribe: Timothy Paine, Thomas Flucker and Nathaniel Ropes. (Benjamin Lincoln had left Boston before the address was circulated among the members.)

The moderates and the two Tories subscribed to a radical address. Once again, it was maintained that there never was any reason for the troops to have been sent to Boston. The Liberty Riot was blamed on the Customs Commissioners and the customs officers who made the seizure of Hancock's vessel. They acted "all in a manner unprecedented, and calculated to irritate,...in order to excite a riot, and furnish a plausible pretence for requesting Troops." The Liberty Riot was but one instance in the "Concerted plan" contrived by government officials to get British troops sent to Boston by the Grafton administration.⁴⁹

The address was delivered to Gage on the 28th. He received it politely and coolly¹, and reminded the councillors of what they already knew: that he had no authority to order the immediate withdrawal of the troops (though he was, of course, in a position to recommend that they be removed, and could commence the reduction of the forces stationed in Boston on his authority alone).⁵⁰

Whigs viewed the bi-partisan support for the address as a defeat for the six councillors who had voted in favour of Bernard's proposal to convert the Manufactory House.⁵¹ So too did Bernard: he rightly suspected that the radicals and Bowdoin had used the address as a plot (a casus belli even) to win over the moderates and one or two of the Tories in a pact against him. It was "not...drawn [up] for the Purposes they profess, but as a Vehicle to the Press for Popularity or Invective."⁵²

Once more, Bernard attributed his failure to win the backing of the moderates and (renegade) Tories to their fear of proscription and desire to placate the radicals and the mobs.

It would have been unaccountable how so many persons of so Respectable a Station and many of them of a Respectable Character could join in signing such a paper if we did not Consider that in public & popular proceedings the Leaders are few, and the Followers many; and that people called upon to sign papers frequently Act without Consideration and sometimes against their Judgement. And the Virulence with which the Commissioners have been treated seems to be too violent to be the Effect of public Zeal only, without the Interference of private Animosity, which at present I cannot take upon me to Account for. I can only Condemn and lament such proceedings in a Body for/

for which I have always had and Still
Retain a great Regard. 53

Bernard informed Hillsborough that

one Gentleman said, that he did not now
enter the council chamber with that free
mind that he used to have; But he liked
to be concerned in Public Business, and
did not chuse to quit his Place in the
Council and therefore must be content
to hold it upon such Terms as he could.
So fair a confession deserves not to
be passed unnoticed. 54

Such "trifling anecdotes...seem to me to be the best Method to
convey a true Idea of the present State of this Government." 55

Intimidated by anti-Toryism without the Council, the
members had fallen prey to the machinations of James Bowdoin
within. Bowdoin had all "along taken the Lead of the
Council in their late extraordinary proceedings." 56 He
was the "perpetual President, Chairman, Secretary, & Speaker
of...[the] Council". 57

Encouraged by the unity of the moderates and the radicals
and the "defection" of Hubbard and Russell, Bowdoin completed
a draft petition to the King calling for the removal of Governor
Bernard. The Council, he asserted, had a "total Want of
Confidence" in the Governor. It cannot be said for definite
whether the draft petition was a piece of political opportunism
which he hoped would be endorsed by the moderates and Hubbard
and Russell, or whether it was the goal to which Bowdoin had
been working throughout October. The draft was never laid
before the Council, although it is likely that some members
knew of its existence. Perhaps Bowdoin judged it inexpedient
to test the durability of the radical-moderate alliance on
such a contentious issue. 58

The influence of Bowdoin over the other councillors must not be exaggerated. While he composed many documents and initiated many proposals, his schemes did not always meet with the approbation of the moderates who, in times of political quiet, inclined toward the Governor. Ultimately, Bowdoin's success depended upon the willingness of the moderates to join with the radicals.⁵⁹

Nor must we exaggerate the effects of anti-Toryism on the political behaviour of the moderates and renegade Tories. These men were not coerced into supporting the radicals; rather, anti-Toryism was one of many factors which deterred them from actively supporting the Governor. Increasingly, as the controversy over the arrival and quartering of the troops had shown, there were other more compelling, positive reasons why they should join the radicals in opposition to Bernard.

From November 1768 until August 1769, Governor Bernard obtained little active assistance or co-operation from the Council. Council policy came to be formulated by a group of between eight and eleven members who met regularly and separately from the Governor. They styled themselves the "major part" of the Council (although they did not actually constitute a majority of members until August 1769). Most were members who lived in or near Boston: radicals Bowdoin, Tyler, Pitts and Dexter; moderates Danforth, Royall, Erving, Brattle and Gray; and the Tories Thomas Hubbard and James Russell. They claimed to act "individually, and not as a body", and convened under the presidency of Samuel Danforth.⁶⁰ Bernard refused to countenance their irregular, unconstitutional proceedings from which he and the other members were excluded. (By the Charter of 1691, executive meetings of the Council were to be presided over by the Governor and legislative sessions were to be held only when he was present.) At the same time, Bernard came to rely for informal advice more and more upon/

upon his inner "cabinet" of Thomas Hutchinson, Andrew Oliver and Robert Auchmuty.⁶¹

In late November, the "major part" of the Council drew up petitions to Parliament at meetings unattended by Governor Bernard. The petitions were the result of the members' plans laid in the summer when Bernard had refused to transmit any petition other than that to the King. The "major part" of the Council were now prepared to by-pass normal constitutional procedures in order to complete and send their petition against the Townshend Acts and other matters. For this reason, the Council had followed the House's example and appointed its own agent - William Bollan - to receive and dispatch all matters relating to Council business. Thus Bollan could forward their remonstrances direct to Parliament without the interference of Bernard.⁶²

The "major part" of the Council justified their extraordinary proceedings on the grounds that Bernard had misrepresented the intent and purpose of the Council's memorial to the King of July. Bowdoin made such a claim at a Council meeting in November, but the members did not care to support him.⁶³ But the readiness of the moderates, in particular, to endorse Bowdoin's claim in December was an indication of how quickly the radicals and moderates had cemented their alliance against Bernard. Samuel Danforth, the acting "President" of the "major part" of the Council, explained the situation to William Bollan: the petition to the King prepared by Bowdoin in July had asked that Americans be "relieved from the operation of the Several acts [including the Townshend Acts]", if it appeared to the King "that it is not for the benefit of Great Britain and her Colonies that any revenue should be drawn [Danforth's emphasis] from the Colonies." By this paragraph, the Council "intended it should be understood to pray for the repeal" of the Townshend Acts. However, the "major part" of the Council claimed, not without good reason, that Bernard's covering letter to/

to Hillsborough enclosing the petition had "introduced" it

in such a way as to make it doubtful from the word drawn whether the Council did not intend to acquiesce in the said acts and only prayed that the revenue arising from said acts might not be drawn from or sent out of America to Great Britain. 64

To be sure, the petition had said nothing explicit about the rights of taxation. But that was not the issue in question in this particular document: in no uncertain terms it prayed for relief and repeal on economic grounds. In the Whigs' view, Bernard had implied that the Council was prepared to concede the right of direct taxation to Parliament. 65

The petitions to Parliament were written in "the most explicit manner" to avoid possible confusion, and called "expressly for the repeal of the several American acts." 66 As with Bowdoin's petition to the King, the supplications were moderate in tone and did not assert any radical doctrines, such as the the right of the colonists to exemption from all taxes. The petitions, like Bowdoin's, expressed the aspirations of moderates as well as radicals. William Bollan approved, thinking that they would further the Americans' cause for a repeal of the Townshend Acts:

If your petition for a repeal, without mention of taxation does not imply a relinquishment of your claim, then their [Parliament's] repeal on the grounds of inexpediency wou'd not imply a relinquishment of the power of taxing. 67

Bernard acknowledged that the petitions contained "no positive Assertions of Right, but several Intimations of it too plain to be unnoticed." 68

Bernard and his inner cabinet underestimated the solidarity of the radical-moderate coalition in their opposition to the Governor and British policies. Thomas Whately was informed that the petitions were "no more than the doings of a part of the Council", although they were stamped "By order of the Council" and transmitted to the Council's agent, William Bollan. But this was only "a low piece of cunning" intended to deceive the King, his ministers and Parliament.⁶⁹ They were "calling themselves Members of the Council" whilst acting as "Individuals...each one for himself."⁷⁰ All this was true enough, but Bernard believed it was all an elaborate sham intended to cover up the fact that the divisions ran deep between the radical and moderate councillors. Bernard explained to Hillsborough that "there was a Dispute" on how the petitions to Parliament should be signed: whether as individuals or in the name of the Council with Danforth's signature as President attached. It was decided to use the appellation "In the name and by the Order of a Majority of the Council. S. Danforth". Danforth came to Bernard and confessed that "he was not present when this manner of signing was resolved upon; and when he set his name to it, he did not set the word 'President' after his." This confession, reasoned Bernard, demonstrated "how little free Agency there is in a Business of this kind." Of the eight councillors who signed the petitions (Danforth, Royall, Erving, Bowdoin, Hubbard, Dexter, Tyler and Pitts), he could name two who regretted doing so and could "fix upon another who I dare say acquiesced rather than concurred."⁷¹ (This last councillor may have been John Erving.)⁷² But Bernard's conclusions were contradicted by the councillors themselves, and four members who had taken no part in the preparation of the petitions willingly gave their approval to the scheme: Harrison Gray, William Brattle, Benjamin Lincoln and James Russell.⁷³ Thus indeed, by December 1769, there was a majority of councillors in opposition to Bernard (twelve from/

from twenty-two), a coalition of moderates, radicals and three Tories.

The petitions to Parliament from the "major part" of the Council achieved little. That addressed to the House of Commons was presented on January 25, 1769. The House ruled that it could not be read in the chamber. Moreover, Bollan reported that five days before, when the M.P.s were debating the House of Lords' resolutions against Massachusetts, the irregular proceedings of the Massachusetts councillors encouraged many M.P.s to vote for their adoption and call for harsher measures to be taken against the colony. Council meetings at which Bernard did not preside or was not present were declared unconstitutional.⁷⁴ These developments were of "deepest concern" to Danforth and the others who had composed the petitions.⁷⁵

However, Bollan's pessimistic reports did not precipitate divisions within the radical-moderate coalition, for his letter contained news which demanded the unity of these councillors: it enclosed copies of Bernard's letters to Shelburne and Hillsborough dated 1767-1768, in which the Governor arraigned and criticised the Council for its attitude and conduct during the previous three years, and recommended the appointment of a mandamus Council.⁷⁶

The appointment of councillors by a royal writ of mandamus would annul the House's prerogative of electing the Council, thereby removing one source of the Whigs' power in the General Court. Bernard had three "Rules" for the proposed mandamus Council, which reflected his concerns of the previous years to establish a political base in the General Court. These "Rules" were written down in February 1769 and were not part of the correspondence published by the Whigs. However, for our purposes they help to clarify the comments on Council politics which Bernard made in those letters that were published./

published. Firstly, he wanted the British government to restore to the Board the executive officers and judges left out by the House since 1766 (Thomas Hutchinson, Andrew Oliver, Edmund Trowbridge, Peter Oliver, Benjamin Lynde and John Cushing.). Secondly, Bernard did not want only Tories and old friends on the Council, for he was prepared to consider the retention of the moderates. He wanted councillors who opposed "the late violent Measures" as well as those who "appear rather to have acquiesced than joined in it." He named six other Tories: Benjamin Lincoln, Thomas Hubbard, James Russell, Thomas Flucker, Nathaniel Ropes and Timothy Paine. Bernard did not name the moderates he had in mind, but suggested as an inducement to their co-operation only twelve of the usual twenty-eight councillors should be appointed at first. (This "would leave a Door open for such of the present Councillors as cannot well be admitted now, untill they have taken some Steps to reconcile themselves to Government.") Finally, Bernard recommended that the Attorney-General, Jonathan Sewall, at least one Commissioner of Customs (he may have envisaged Charles Paxton), and "some Gentlemen settled & estated in the Province" should also be appointed to the new Board. ⁷⁷

Bernard's plans for constitutional reform did not win the backing of Tories and moderate Whigs in general. The publication of his letters in April awakened moderates to the fact that if the Governor's proposals were implemented they would not only diminish the power of the Whig party in the General Court, but would abrogate their constitutional rights enshrined in the Charter. Bernard indicated in a letter to John Pownall that his critics included friends of government:

I must not conceal from you that amongst the Talkers upon this Occasion the Officers of the Crown & the Friends of Government are very loud; it is said that [the] Administration must never more expect faithful/

faithful Accounts of the Proceedings
of popular Assemblies for Governors
& Commanders in America. 78

Tory writers did not appear in the Governor's defence. ⁷⁹
The event left Bernard disillusioned and broken: it "puts and End
to all my Hopes of doing any good here." ⁸⁰

The Board published a vindication of its conduct in
the Boston Chronicle. It was a final testimony to the
fact that Bernard had alienated councillors of all ideological
persuasions, for it was signed by radicals, moderates and
the Tories Russell and Hubbard. Bernard's "great wim [sic]"
was the "destruction of our constitution", as was clear by
his support for a mandamus Council. While not expressly
requesting Bernard's dismissal from the Governorship, the
councillors declared they had "lost all confidence" in him
and doubted "whether his Majesty's service can be carried
on with advantage during his administration." ⁸¹

Incensed by the revelations in Bernard's letters, the
Whigs in the House rounded on the Tory councillors at the May
elections. Nathaniel Ropes, Thomas Flucker, John Worthington
and Timothy Paine had refused to participate in the radical-
moderate coalition against Bernard (although the first two
had joined the Whigs in opposition during the controversy over
the arrival and quartering of the troops) and were turned out
by large majorities. According to Bernard, they were "the
only Men of Disposition & Ability to serve the Crown left in
it." ⁸² In retaliation, Bernard vetoed no less than eleven
of the councillors elected by the House, including William
Brattle and James Bowdoin. ⁸³ The refusal of the House
to choose replacements left Bernard with a weakened upper chamber
consisting of sixteen of the normal twenty-eight councillors.
Even his tactic of negating unsuitable councillors was now
counter-productive. ⁸⁴

In the space of twelve months, Bernard succeeded in alienating the moderate Whigs who held the balance of power on the Council. His failure to win their support can be attributed to the unfavourable and unpopular issues on which he had to court their allegiance. But these were, in part, of his own making: his insistence that troops were necessary to restore order when the Council argued that they were not (and this happened before Bernard knew that troops had been ordered to Boston by the British government, as well as after); and his determination to secure the Council's agreement to the troops being quartered in Boston. In both cases, the moderates, radicals and a few Tories joined forces against him. Co-operation between these groups in opposition to Bernard had occurred during the Stamp Act Crisis, and was fueled again by their active opposition to the Townshend Acts. Bernard realised this, as he did too the fact that the Tory councillors were reluctant to declare their opposition to the others because of their fear of being proscribed as "enemies" to their country. In the end, Bernard's representations to the ministry of the Council's conduct and of the state of the province destroyed whatever lingering hopes he retained of being able to work with the Council; the publication of his letters to Hillsborough and Shelburne was a fatal blow to that relationship.

3. Thomas Hutchinson and the Council, 1769-1770: A Prelude to Co-Operation.

Relations between the Council and the Chief Magistrate improved considerably when Thomas Hutchinson took over as acting Governor in August 1769, for he was able to win the confidence of the moderates.

Between August 1769 and May 1770, the moderates on the Board gradually and slowly came to question aspects of the radical Whig leadership's political strategy. Harrison Gray and John Erving discountenanced the proceedings of the merchants in proscribing traders who broke the non-importation agreements, although the Council as a whole refused to agree with Hutchinson that the proscriptions were illegal. (See Chapter Seven, pp. 222-223) The Council also declined to join Hutchinson in taking action against the "Body" - an illegal assembly of merchants, shopkeepers, artisans and townspeople that made the decisions concerning the enforcement of the boycott. (See Chapter Eight, pp. 246-248.) The moderates Gray, Erving and Danforth, and the former Tories Hubbard and Russell acquiesced in the popular fervour surrounding the Boston Massacre of March 1770, and were among those who advocated the immediate withdrawal of British troops from Boston against the wishes of Hutchinson.⁸⁵ They moderates also approved a Council address supporting the House's opposition to the General Court meeting outside of Boston at Cambridge.⁸⁶ By May, however, when passions over the Massacre had subdued, Hubbard, Gray and Isaac Royall were in favour of the House proceeding to business at Cambridge. Danforth and Erving were not, and sided with Bowdoin and the radicals in demanding that the Court be adjourned to Boston forthwith.⁸⁷

The May elections improved the standing of the moderates on the Council. "Three or four very moderate men" came in for the first time. Hutchinson placed great hopes in the new men - George Leonard Jr., James Gowen, James Humphreys and Stephen Hall - "who have kept but just enough in with the Enemies to Government to save their places [in the House]."⁸⁸

On Bernard's advice, Hutchinson had intended to continue the/

the policy of negating Whigs elected by the House who had never previously sat on the Council.⁸⁹ But he desisted on the recommendation of his Tory friends. The day after the election, John Worthington and Timothy Ruggles visited Hutchinson and reasoned that while negating had been "extremely proper" in the past he (a newly appointed Governor) should now avoid antagonising the Whig-dominated House, given that there was no immediate prospect of the Tories being elected to the Board. Hutchinson was advised to work closely with "these new moderate" men. Andrew Oliver, Edmund Trowbridge and Joseph Lee offered Hutchinson the same advice. Moreover, all the Tories Hutchinson consulted stated forthrightly that they would never again serve on the Council if elected by the House.⁹⁰ Hutchinson, therefore, accepted the election of nine councillors who, at one time or another, had been negated by Bernard.⁹¹ He rejected the nominations of only two: John Hancock and Jerathmeel Bowers, who had been in the forefront of the opposition to Bernard in the lower chamber.

Hutchinson's conciliatory strategy was not without its results, as over the summer the moderate councillors drifted away from the radicals. In June, when the Council "officiously" sent him an address (introduced by Bowdoin and seconded by Brattle) proclaiming its support for the House in its refusal to do business at Cambridge, Hutchinson reported that it was

strongly opposed and disapproved of by some who were this year newly admitted in to the Council but it was carried by force of a particular connection which for several years past has been very unfavourable to the prerogative. 92

The "particular connection" which Hutchinson referred to was James Bowdoin and his father-in-law John Erving, who carried the/

the majority of members with them on this issue.⁹³

However, Harrison Gray, Thomas Hubbard and James Russell sided with the "new men" and spoke "very zealously" against the address.⁹⁴

By August, the situation for Hutchinson had improved even further as many of the councillors became weary of the House's intransigence and feared retribution from the British government as a consequence. When he prorogued the General Court on the 3rd, Hutchinson reported to Hillsborough that he had received "strong assurances that the major part of the Council will be for complying another session."⁹⁵

He crowed that during the recent Council debates he had been able to separate Bowdoin and Erving. Erving, though he still approved of the Whigs' non-importation policy, disapproved of its radical tendencies; he also was of the opinion that the House should resume its business. Moreover, Erving promised Hutchinson that he and his family would refrain from smuggling.⁹⁶

Hutchinson expected to make "good use of the division" between Bowdoin and Erving,⁹⁷ although, as we shall see, Erving's political allegiance continued to waver. All but a few were "very friendly" toward Hutchinson.⁹⁸

"The Council are now with me", he wrote on September 28. Even William Brattle, who had sided with the radicals on many issues, now left Bowdoin's allegiance because of the prolonged quarrel between the House and the Governor. Bowdoin, Pitts and their supporters, however, "still go all lengths which the pale lean Cassius [Samuel Adams] would have them."⁹⁹

We may deduce that by September 1770, Hutchinson had won the confidence, if not the active support, of approximately twelve councillors, while Bowdoin counted on the assistance of at least fourteen.¹⁰⁰ It was a remarkable achievement for Hutchinson, coming as it did just six months after the moderates and radicals had united against Francis Bernard. But/

But we should not overestimate the extent of Hutchinson's success, for it coincided with a growing disenchantment^t with the radicals' protests among the moderates and with the defeat of the Whigs' non-importation movement. Moreover, Hutchinson's working relationship with the friends of government on the Board had yet to be tested in a contentious political issue. These men embraced a moderate Whiggism which was hostile to Hutchinson's Toryism, and their political behaviour was greatly dependant upon the political climate: in times of trouble they leaned towards the radicals, and when there was no major issue to disturb the peace of the province they could side with the royal governor.

Evidence of the moderates' hostility to Toryism was given in October, when there was "some abatement" in their goodwill toward Hutchinson following the publication of Andrew Oliver's Tory pamphlet A Fair Account of the Late Unhappy Disturbances at Boston New England, in which Oliver commented on the Council's response to the Boston Massacre and gave his own recollections of the debates in the Council chamber of Tuesday, March 6, the day after the Massacre. Shortly after the Massacre, Oliver had written down his thoughts and reflections at the request of Thomas Hutchinson. This deposition, along with other indictments of the "rebellious" province, was taken to Britain ten days later by Commissioner John Robinson and eventually published on the recommendation of Francis Bernard.¹⁰¹

Oliver alleged that after the Council and Lieutenant-Governor Hutchinson had received a committee from the Boston town meeting, who demanded the immediate withdrawal of the troops from the town, councillor Royal Tyler announced that men

of the best characters among us, men of estates and men of religion...had formed their plan...to remove the troops out of/

of the town, and after that the Commissioners [of Customs]; that it was impossible the troops should remain in town, that the people would come in from the neighbouring towns, and that there would be ten thousand men to effect the removal of the troops. 102

"Divers other gentlemen adopted what Mr. Tyler had said by referring expressly to it", including James Russell and Samuel Dexter. Harrison Gray and John Erving acted on this report to urge Hutchinson to have Lieutenant-Colonel Dalrymple withdraw the troops to Castle William. Oliver also claimed that the Council minutes had been altered by the councillors. The original entry, prepared by Oliver as Secretary, although it "was allowed strictly to express the truth" was expunged because "it would not stand well on the Council records." An amendment prepared by James Bowdoin was substituted. 103

In early October, a committee of councillors investigated Oliver's charges and took depositions from eight councillors and others who were present in the Council chamber on March 6. They had to establish, firstly, whether the councillors named by Oliver apprehended a "preconcerted plan" on the part of the Whigs and country people to drive the troops and the Commissioners from Boston; and, secondly, why Oliver's report had been erased from the Council minutes. Danforth, Erving, Dexter, and the other deponents supported Tyler's claim that he had said nothing that could substantiate Oliver's allegations. Tyler explained that after the Massacre he believed the "disposition of the people" was to get the troops withdrawn. Indeed, when cross-examined, Oliver admitted that he could not recall with certainty whether Tyler had actually mentioned a "preconcerted plan". The investigating committee concluded that Oliver had misunderstood Tyler's comments. But they viewed with gravity Oliver's discourse on the amendment to the Council records. An amendment had in fact been made, but the committee agreed/

agreed with the deponents that an alteration had been necessary because Oliver's Tory-biased précis implied that the whole Council shared Tyler's (alleged) view that an uprising against the troops had been planned by the Whigs; they did not. ¹⁰⁴

On October 24, the Council accepted unanimously four resolutions prepared by the investigating committee asserting that Oliver had been guilty of a breach of trust and that his conduct in publishing the allegations had brought dishonour on the Board. ¹⁰⁵ The British government and George III took exception to the treatment of Oliver, and in October 1771, in accordance with royal instructions, the Council submissively entered in its records an approbation of Oliver's conduct. ¹⁰⁶

* * * * *

From 1765 to 1768, when the Tories and moderates were in the majority, Governor Bernard's relationship with the Council oscillated between periods of co-operation and confrontation. He could not depend upon them taking collective action in support of his schemes or in opposition to the radicals within and without the Board. He had to court their allegiance on virtually every issue as it arose. Like the Tories and moderates in the House of Representatives, they refused to assist in the implementation of the Stamp Act and desired also the repeal of the Townshend Acts; nor, generally, would they take action that ran counter to the wishes of the Whig leadership. The irresolution and opposition of the Tory and moderate councillors can/

can be attributed to the unpopularity of the issues on which Bernard tried to win their allegiance and to their fear of proscription by the Whigs. The Tories were severely reduced in numbers at each election to the Council until, by October 1768, the radicals were able to forge an alliance with the moderates over the issue of quartering British troops in Boston. The publication of Bernard's letters to Shelburne and Hillsborough in April 1769 confirmed the alienation of the moderates and a few Tories from Bernard. Acting Governor Hutchinson, however, was able to achieve a working relationship with moderate councillors who became increasingly dissatisfied with the protests of the radicals in the House and their role in the non-importation controversy. As in the House, by 1770, the dissident moderates had replaced the Tories as the mainstay of any potential opposition movement to the radical-led Whig party.

CHAPTER SEVEN: OPPOSITION TO THE NON-CONSUMPTION AND NON-IMPORTATION AGREEMENTS, 1767-1769.

The Non-Consumption and Non-Importation Controversies of 1767-1770 exacerbated the ideological and political conflicts in Massachusetts, principally in Boston and the eastern ports, for the success of the boycott depended heavily upon the merchants' and Whigs' capacities to enforce observance. Economic factors played a major part in determining the responses and behaviour of opponents of the boycott, but the proscription and intimidation of dissenters also heightened the resentment of Tories, dissident Whigs and hitherto non-aligned persons toward the Whig leadership. The friends of government were to the forefront of the opposition. However, as in the General Court, anti-Toryism and their ⁿinate hostility toward Governor Bernard to a large extent prevented them from attracting widespread support and acting collectively to defeat the boycott, 1767-1769.

1. The Adoption of the Non-Consumption Agreement, 1767-1768.

News of the enactment of the Townshend Duties reached Boston in the summer of 1767. On October 28, the town meeting voted to discourage the "excessive use of Foreign Superfluities", of particular items normally imported from the British Isles. Although/

Although the articles on which the Duties were levied were omitted (tea, paper, glass and painter's colours), over thirty other products were listed which the town agreed not to consume or use.¹

Whig propagandists embraced Boston's policy with fervour. Articles appeared in the province newspapers urging citizens to cease drinking tea in addition to giving up the use of those items listed by the town. It was "high time" for the "middling people" to eschew the luxuries of the British way of life - or, as Sam Adams put it, they must cast off "the ornaments of the whore of Babylon."²

By the end of January 1768 more than twenty towns had adopted non-consumption agreements. On February 26, their representatives in the General Court voted that the people of the province should give preference to American manufactures over British.³ Boston assisted five merchants to begin the manufacture of duck or sail cloth which was normally imported from Europe and was not banned by the boycott.⁴ Whigs were confident in the capacity of Massachusetts to remain self-sufficient in many items.⁵

It is difficult to determine the extent of opposition to the non-consumption agreements, given that observance depended greatly upon personal preferences and commitment, and did not yet involve the proscription and coercion of dissenters. Not all towns approved the policy started by Boston. Harwich, for example, voted its non-concurrence and disapproval at a meeting of March 7.⁶ At the same time in Boston, wealthy Tories such as Robert Auchmuty and Benjamin Hallowell refused to give up the habits of a lifetime and continued to purchase British ready-made apparel from small traders.⁷ Francis Bernard reported that the "Principal Gentlemen" rejected non-consumption/

consumption when it was first suggested, but later "consented to [it] under many Protestations".⁸

The concurrence of many merchants was conditional. The Amorys, for instance, subscribed to the agreement because they believed that the boycott would last only a few months or at most a year, and would achieve the desired result of effecting the repeal of the Townshend Acts; whatever they lost in the short term by way of trade would be compensated by the long term economic and political benefits of defeating the Acts. At the same time, however, the Amorys and other wealthy wholesale merchants took advantage of the restrictions on consumption to stockpile British goods in preparation for the resumption of normal trading.⁹ Non-consumption (and non-importation) created an artificially low demand for British goods while the boycott lasted, but promised an artificially high demand for these items when the market returned to normal. Consequently, the wholesale merchants of Boston followed the example of their counterparts and rivals in Philadelphia and New York and ignored the pleas of the Whigs to desist importing. The self-interested response of some merchants gave the Whigs cause for concern; non-observance, they declared, was evidence of Toryism.¹⁰

The radical Whigs also pressed for the adoption of a non-importation agreement, but without success. The proposal divided both the Whig leadership and the commercial community. James Otis was one who warned against it.¹¹ Francis Bernard noted that less than half the traders in Boston were in favour during 1767.¹²

Bernard drew Shelburne's attention to the ideological-political and socio-economic divisions within the commercial communities of the east coast which, as it soon became apparent, were preventing the adoption of non-importation. Men of "Property &/

& Credit" were against any scheme that threatened to undermine the source of their prosperity. So too were the "Midling & little Traders" whose livelihood would be "ruined by it whilst Men of Great Property & credit might be benefited by it by becoming Monopolists." ¹³

The friends of government in the Boston town meeting also spoke out against the proposal: "so many exerted themselves with Spirit that they silenced the Sons of Liberty." ¹⁴

When the Boston merchants made inquiries as to what towns would support a trading boycott, they received an indignant reply from the merchants of Salem, composed largely by the Tory Peter Frye, warning them of the dangers of extremism. ¹⁵

By March 1768 opinions within Boston had changed sufficiently to allow the adoption of a non-importation agreement.

2. Opposition to the Adoption of Non-Importation, 1768.

By March, the majority of Boston's merchants and Whigs were in favour of non-importation, and an agreement was approved. The boycott was to take effect on June 1 and continue for eighteen months unless Britain repealed the Townshend Duties.

A clause in the agreement made the boycott conditional on the concurrence of New York and Philadelphia. Plymouth, Marblehead and Salem drew up similar agreements, and by May 1770 more than twenty-five towns and ports had agreed to observe restrictions in the trade and consumption of British goods. ¹⁶

The decision to adopt a policy of non-importation was based on two vital considerations. Firstly, that in spite of the prevailing divisions within the commercial communities and protest movement in general, it was expected that if all parties concerned were united in their opposition to the Townshend Acts the British government would feel moved to effect their repeal./

repeal. A second more hard-headed assumption was that once British merchants and manufacturers were deprived of access to colonial markets through American merchants and shopkeepers they too would clamour for a repeal;¹⁷ this they had done with the Stamp Act after the introduction of non-importation in 1765.¹⁸

Nevertheless, a substantial number of traders hesitated when it came to signing the agreement. One hundred and sixty-six firms were consulted by the merchants' committee who circulated the subscription form. At first, 103 signed it outright; 29 agreed to sign "if it be generall"; 8 did not subscribe, but promised to observe the conditions of the agreement; 14 firms refused to sign (Henry Laughton, Jonathan Simpson, Lewis Deblois, Cox & Berry, Richard Clarke & Son, James Perkins, Thomas and Elisha Hutchinson, Rufus Green, Theophilus Lillie, John Taylor, John Mein, Thomas Hubbard and Whigs William Dennie and James Jackson.)¹⁹ Thus, over 30 per cent of firms consulted by the committee did not subscribe to the agreement or did so by stipulating that their observance depended upon certain conditions. This response revealed how widespread the uncertainty was concerning the advantages of pursuing a policy of non-importation, if not the actual extent of the opposition to the March agreement, for by March 9, the booksellers Cox and Berry along with 16 of the 29 recalcitrants had agreed to support the boycott.²⁰ Six of the 14 refusers followed suit later.²¹

Governor Bernard attributed the success of the radicals and Whig merchants in securing the adoption of the agreement and the signatures of the dissenters to the effectiveness of their intimidatory tactics. Non-importation, he maintained, went "against the Sense of an undoubted Majority, of both Numbers, Property and Weight." After many refused to sign when the agreement was first circulated,

all Engines were set to work to encrease the Subscription; some were told they would be obnoxious to the lower sort of People; others were threatned with the Resentment of the higher; some were made afraid for their Persons and Houses, others for their Trade and Credit.

The merchants' "Intercourses and Connections with the Politicians, and the Fear of opposing the Stream of the People" silenced the opponents of non-importation. Yet Bernard was hopeful that "there are still remaining enough of the most respectable Merchants in Town, Non-Subscribers, to defeat this Scheme, even if the Subscribers were to keep their Promise [to observe trading restrictions]." ²²

Particularly encouraging for Bernard was the refusal of many merchants to abide by the request to desist from ordering goods from Britain until the boycott took effect in June. He informed the Earl of Hillsborough that

the quantity of goods which have been lately order'd from Great Britain...has exceeded and Anticipated the Usual Quantities and times in order to provide for an Abstinence from Importation for a year. This is professed by some, and is undoubtedly true of others who are too attentive to their own Interest to desist from Importation. ²³

Boston's traders were still divided when, in August, it was decided to make the embargo unilateral without waiting for New York and Philadelphia to join in. The boycott was to run from January 1, 1769 to January 1, 1770, but traders were asked to forego sending orders for British goods during the five months before the new agreement came into effect. Sixty of the sixty-two merchants present at a meeting on the 1st approved the proposed amendments. ²⁴ However, at subsequent meetings there were sufficient numbers of dissenters to/

to delay their adoption. Thirty-five merchants refused either to subscribe to the new articles or observe them. Forty others also refused to sign, although they promised to observe the agreement.²⁵ But by August 10, after the merchants had accepted the amendments, 211 traders had signed the agreement and only 16 stood out.²⁶

Bernard concluded that the dissenters from the new articles were only "brought to Reason by Mob Law" and their fear of being proscribed as "'Tories". He told Hillsborough that if they were to succeed in defeating the boycott they must be "Sufficiently Secured from Mobs."²⁷

How accurate was Bernard's assessment of the nature of the opposition to non-importation?

As he correctly pointed out, non-importation was a threat to the unity of the commercial community and the protest movement. The agreements wanted traders who normally imported or sold British goods to abandon the source of their livelihood and prosperity, albeit temporarily. Thus, in making a decision to support the boycott, traders had to weigh carefully the short term economic losses against the long term political and economic benefits of overturning the Townshend programme. The radicals, of course, were quick to remind them that non-importation and the co-operation between classes and interest groups had been instrumental in defeating the Stamp Act.²⁸ But coercion as well as persuasion was used by the Whigs and merchants to encourage conformity and observance. As will be shown, the treatment of dissenters and breakers of the agreement was an extension of the Whigs' anti-Tory campaigns of 1765-1767. The fear of proscription and intimidation, which Bernard believed was the main reason for the failure of dissenters to attract widespread support, did in no small measure deter traders from speaking out against non-importation.

Secondly, Bernard was also right in stating that the opponents of non-importation (subscribers and non-subscribers) included some of "the most respectable Merchants in Town" - such as Thomas Amory and Nicholas Boylston. Wealthy merchants feared that policy decisions mainly concerning the town's traders were being too much influenced by the opinions of radical Whig politicians and middle class shopkeepers, artisans and townspeople. Indeed, the job of enforcing the boycott soon came under the control of these groups who resolutely demanded the proscription of "well-disposed" merchants who broke the agreements. At the same time, these groups gained a greater say in the merchants' proceedings. Bernard was wrong, however, if he believed that the "well-disposed" were all on one side; John and Jonathan Amory and Thomas Boylston supported the introduction of non-importation, as did John Hancock and William Phillips. Their doubts of being undermined by their rivals in New York and Philadelphia were partially assuaged when the former adopted non-importation in the autumn and the latter in February 1769.²⁹ They expected that Britain would repeal the Townshend Acts, and were prepared to endure a trade embargo for a short while. Nonetheless, some, such as the Amorys, fully expected a return to normal trading when the August agreement expired on January 1, 1770, even if the Acts had not been repealed.³⁰ When the radicals in the Boston town meeting, led by Sam Adams and merchants such as William Phillips, began a campaign to have the boycott extended indefinitely until not only the Townshend Acts had been overturned but other obnoxious revenue acts had been repealed also, the Amorys led a group of dissident moderates and Tories in trying to end non-importation.

Bernard surely could not have foreseen this, and made a major error in evaluating the strength and political quality of the opposition in 1767-1768 that had repercussions for his handling/

handling of the controversy. He expected that the majority of Tory and moderate Whig merchants and previously uncommitted traders would take collective action to rescind the August agreement on the basis of their antipathy to the radicals, their opposition to the proscriptions and their resentment of restrictions on trade. He placed his trust in the success of a spontaneous demonstration of strength and feeling against the Whig-merchant leadership by these groups. Only four of the fourteen firms who refused to sign the March agreement had proven records of Toryism or opposition to the Whigs (Thomas Hubbard, the Hutchinsōns, Richard Clarke and John Mein). He could not have known that hitherto inconspicuous traders such as Theophilus Lilliewould stand against the Whig-merchant leadership, or that the Amorys and other moderates who supported the adoption of non-importation would soon turn against it.

3. Opposition to the Enforcement of the Agreement, 1768-1769.

Opposition to the enforcement of the August agreement came principally from persistent importers, among them a few Tories and moderate Whig merchants. Both groups became increasingly alarmed at the economic effects of the boycott and the radical tendencies of the Whig-merchant leadership in enforcing it. In effect, they rejected the Whig-imposed authority that tried to determine the circumstances and conditions of their political and economic lives. This was the ideological basis of the opposition "movement" that Bernard believed already existed, but which came closer into view during the latter part of 1768 and 1769.

Trading restrictions applied not only to those persons who signed the non-importation agreement, but to all merchants, shopkeepers,/

shopkeepers and factors who were involved in commerce with Britain. The Boston merchants advocated the economic isolation of traders who deliberately ignored them. In March, citizens and traders alike were exhorted "to give a Constant Preference to such Persons as shall subscribe to these Resolutions" when they purchased goods from a store.³¹ The August agreement recommended that all persons should refrain from dealing with those traders who did not subscribe, or continued to import or sell listed goods while the boycott lasted. Merchants, as has already been mentioned, were required to desist placing orders for banned goods before the boycott came into force.³² These measures served to ostracise the dissenters from Boston's commercial community, while at the same time they were an attempt to ensure that importers and non-subscribers could not take advantage of the temporary withdrawal of the Whig traders from the market in British goods.

By the spring of 1769, additional measures were being pursued to compel observance. Handbills were circulated through Boston identifying the principal importers: Jonathan Simpson; John Taylor; Samuel Fletcher; William Jackson; Nathaniel Rogers; Thomas and Elisha Hutchinson, the Lieutenant-Governor's sons; Theophilus Lillie; Scottish merchants James and Robert Selkrig, and James and Patrick McMasters. The radical "Journal of the Times" defended the proscription of these importers. It was "disgraceful but necessary", for it would

lead them to reflect on the baseness of their crime....When their shops are deserted, and they feel their fortunes miserably impaired by prosecuting the plan of purblind avarice; when their guilty consciences have rendered this life insupportable; may they seriously attend to the consequences of another. ³³

The Whigs and merchants held back from publishing the names of importers in the Boston newspapers for fear of alienating the moderates,³⁴ but they "were resolutely bent upon pursuing every legal Method to guard against, and defeat any Attempts that may be made, by those who are inimical to us, to render the...[boycott] ineffectual." In July, a committee of twelve merchants circulated a subscription paper among the people of Boston urging them to desist from buying goods from importers or shopkeepers selling banned goods. Recipients of such articles were asked to place them in a common store designated by the merchants' committee until such time as they would be allowed to use or sell them.³⁵ In August, another committee was set up to restrict the sale of listed goods at public auctions.³⁶

Very few merchants and shopkeepers were prepared to run the risk of being proscribed. By the end of July, all but twelve firms in Boston had signed the agreement: Rogers, Mein, Lillie, the McMasters, the Hutchinsons, the Selkrigs, Jackson, Fletcher, Taylor, Simpson, Clarke, and John Bernard. In early August, Simpson, Jackson, Fletcher, Taylor and the Selkrigs acceded to the committee's demands and surrendered their imported goods to the common store.³⁷

Theophilus Lillie tried to reach a compromise with the committee of inspection appointed by the merchants. On August 4, Lillie, Fletcher and Taylor signed a paper promising not to order any more goods before January 1. Lillie, however, did not sign the agreement, and, because of which, the merchants' meeting refused to accept Lillie's paper. (Thomas Boylston was one merchant who defended the committee's decision to treat with Lillie, for which, said Lillie, he "was treated in such a manner as I dare say he thought he did not deserve.") Lillie refused to obey the summons for him to attend the merchants' meeting, and on August 7 the merchants voted that his name should continue to be published in the handbills.³⁸

The Tory merchant Nathaniel Rogers refused to surrender his goods to a high-ranking committee of John Hancock, Henderson Inches and William Phillips, and challenged the basis of their authority. He "asked them by what Law they had any thing to do with the disposition of his goods. They all replied the Law of Necessity." Rogers demanded payment for his goods if he was to give them up, but this was refused. After "a long conversation gave him such apprehensions of consequences from his refusal", he gave his word not to open or sell the articles until January 1. Rogers' cousins, Thomas and Elisha Hutchinson, also agreed not to sell their goods but did not sign the agreement. "They had determined to hold until their persons were in danger." Their submission, thought their father, would prove "fatal" to their business.³⁹

More goods arrived for the importers in the first two weeks of August, and subscriptions and handbills continued to be circulated through the town urging people to boycott their shops. On August 11, it was decided for the first time to publish the names of importers in the Boston newspapers. This brought the message of proscription to the attention of the province as a whole. Three days later, the names of the seven non-subscribing importers were printed on the front page of the Boston Gazette (Richard Clarke, John Bernard, Nathaniel Rogers, the McMasters, the Hutchinsons, John Mein and Theophilus Lillie.)⁴⁰

The importers were vilified as Tories and "enemies" to their country, a group of self-interested men with no concern for the welfare of the commonwealth. They

ungratefully take an Advantage of those
who are sacrificing their private Interest
to the good of the Public; and at the
same Time,...they discover a total Disregard
to the Liberty and Welfare of their Country,
manifest/

manifest an unwarrantable, base and sordid
Attachment to themselves, and their own
private Concerns. 41

Importers, said one Whig, would soon learn that the "body of the community, whose safety and protection is the only rational standard of obedience, have an indefensible [sic] right to assert and establish this prerogative of the people." 42

Like the Tories, said another, they had "counteracted the UNITED SENTIMENTS" of the colonies. 43

Acting Governor Thomas Hutchinson and the Tories were outraged by the hypocrisy of the merchants and Whigs in proscribing the importers. Hutchinson informed Thomas Pownall that while they discourse upon natural rights "they themselves in the most arbitrary manner deprive others of these supposed fundamental rights." 44 Importers had to "bear insults in the newspapers and as they pass in the streets...and then they comply and their compliance is published by the Junta as their voluntary [action]." He compared this behaviour to that of a highwayman robbing travellers. 45 Nathaniel Coffin echoed Hutchinson's concern that the Whig-merchant leadership were denying the importers and dissenters the de facto protection of the law:

Let any man be published in the publick
prints by them as an Enemy to the Privileges
& Rights of his Country, and he is immediately
avoided as a Leper, an outlawed Virginia
Slave is not in a worse Condition.
Every one thinks he has a right to knock
[sic] him on the head. 46

Hutchinson was disappointed that opposition to the boycott did not also come from within the ranks of the subscribers, now that threats, economic intimidation and proscriptions were being used to subdue potential resistance. He informed Francis Bernard, now in England, that "the people I had most dependance/

dependance upon have either subscribed or given their words not to import." When he asked the moderate Joseph Green "why he did not oppose measures so subversive of all government he replied that he and many others were well enough inclined to do it but they could make no judgment what was intended in England." ⁴⁷ Convinced that the repeal of the Townshend Acts would follow on from the adoption of non-importation, at this stage, the moderates were prepared to acquiesce in the mistreatment of the importers. Moreover, if the importers were allowed to continue trading it would damage the interests of those who observed the agreement.

More goods arrived for the importers (and other merchants) in the first week of October. But again the harsh economic realities of proscription compelled the importers to capitulate to the demands of the merchants' committees. Hutchinson observed that they "are as effectually punished by losing their custom as if large fines had been imposed by legal authority." ⁴⁸ His sons

do what little business they are able to do by stealth like smugglers and are forced to sell every thing under the market price as no body will run the risque of trading with them, unless they can make considerable profit.... If nothing is done they must either quit business or do as every body else does. ⁴⁹

Richard Clarke and his sons were "so distress'd" at the publication of the firm's name in the Boston Gazette "that they came to the Committee, begging that something might be publish'd to take off the odium cast upon them." Their names were removed from the list, in return for which they handed over to the merchants their consignment of recently arrived goods. ⁵⁰ Clarke explained to Hutchinson the reason for his submission:

He/

He said his refusal must have hurt him and his sons so much in their business that he could by no means bear the loss and submitted when his judgment was as much against the measure as ever. 51

Thomas Hutchinson Jr. and his brother Elisha met with the merchants' committee on the morning of October 4. They did not sign the agreement, but "declared their intention was in every respect to conform to the present agreement, without reserve." However, by doing this they "did not mean to bind themselves to any future agreement the Merchants should come into." The Hutchinsons and Clarkes pressed the committee to name a date when trading in British goods might be resumed. The committee would not be drawn, but allowed the Clarkes and Hutchinsons to lock up their goods in their own stores. 52 Theophilus Lillie agreed to do the same. Two traders who had received imported goods for the first time, however, (Patrick Smith and Byfield Lyde) were persuaded to return them to Britain. 53

Nicholas Boylston informed the town meeting that afternoon of the Hutchinsons' willingness "to treat with them". 54 But the radicals and the pro-Whig majority urged that sanctions be taken against all the importers who, like the Hutchinsons, had not signed the agreement. Sam Adams believed that they should be "Stigmatiz'd & declar'd Enemys of the Country" by the town as well the merchants; their names should be written into the town records as a warning to others. A few protested that the importers and non-subscribers had given evidence of their readiness to comply, and that further proscriptions were unnecessary. But Adams and another radical, Benjamin Kent, asserted that they were justified in view of the fact that in the past year the Hutchinsons' alone had imported nearly two hundred chests of tea in an effort to undercut merchants who had subscribed to the agreement. (The radicals ignored the pleas of the importers that they had been forced to reduce the/

the price of tea to unprofitable levels.)⁵⁵ The Whigs won the vote, and six importers who had not signed the agreement were castigated for preferring "their little private advantage to the common Interest of all the colonies" (the Hutchinsons, the McMasters, Theophilus Lillie, John Mein, John Bernard and Nathaniel Rogers.)⁵⁶

By October 9, only three traders held out, unwilling to sign the agreement or surrender their goods to the merchants' committees (John Mein, the McMasters and John Bernard.) They were determined to resist as long as they could. John Bernard pledged to "refuse to comply till it comes to the last extremity but will not finally refuse if he finds his person must suffer."⁵⁷ James McMasters was "highly insolent" to the committee that visited him and told the merchants to "do as they pleased". The McMasters, who had only come to Boston between 1765 and 1768, were unwilling to cease what was a profitable business importing British goods. They claimed to have imported £15,000 worth of British goods each year from 1769 to 1774.⁵⁸

Nathaniel Rogers requested legal protection from the provincial government, but there was little that Thomas Hutchinson could do to assist the importers in their struggle against the Whigs and merchants. Hutchinson doubted whether Rogers would be able to find a Justice of the Peace willing to act upon his testimony, and thought that he "will not [be] able to hold out unless he quits the town."

The proscription of the importers demonstrated the impotency of the provincial government's authority over the Whigs, merchants and Boston town meeting. Hutchinson had called the Council together on October 4 "to discountance" [sic] the proceedings taken in the town meeting against the six importers. But he could not obtain a quorum of members, for most had left the town/

town following an outbreak of smallpox. However, Hutchinson discovered that at least three councillors (Erving, Tyler and Pitts) attended the town meeting of that day.⁵⁹

His investigations revealed that John Erving "disapproves of what they did" to the importers.⁶⁰ Harrison Gray was another moderate who did not support the radicals over the proscriptions: "he speaks freely against these proceedings."⁶¹ While the Council took no action to prevent the proscriptions, the moderate members privately declared their opposition to the "unwarrantable" proceedings in the town meeting.⁶²

With the Council's refusal to act against the town meeting, Hutchinson and the importers looked to Britain to take action against those who engineered the proscriptions. Hutchinson suggested to Bernard that "a number of those people" who attended the town meeting on October 4, including Sam Adams, should be disqualified from holding provincial or municipal offices in the future; only an act of Parliament could do this.⁶³ Richard Clarke agreed, and informed Hutchinson that if "the Ring Leaders had been punished by being rendered for ever incapable of bringing an Action in any of the Kings Courts it would effectually put a stop to the mischief...though such a punishment may appear severe."⁶⁴

The merchants and Whigs of Salem were also active against importers and dissenters from their town's agreement. On January 19, 1769, the Boston merchants wrote Peter Frye, the Tory chairman of the Salem merchants' committee, expressing their concern at rumours that the merchants of Salem, Marblehead and Cape Ann were breaking their agreements.⁶⁵ Their suspicions were again aroused when consignments of goods arrived for three of Salem's principal merchants and Tories: Benjamin Pickman, Francis Cabot and Frye. The total value of the goods was small - £350 - and only those delivered to Frye were actually affected by the boycott. Moreover, all three consignments/

consignments were the results of orders placed before January 1 when the boycott took effect. Nonetheless, the Whigs made political capital from ^{the} incident. The Boston Gazette published the cargo manifests to refute the "industriously propagated" rumours that violations of the agreement were commonplace, when they were in fact isolated and rare. ⁶⁶

But action against the three importers soon followed, thus demonstrating the connection between anti-Toryism and the proscription of importers. In June, notice was given to townspeople to boycott the shops of importers or those supplied with goods by the Boston importers. ⁶⁷ Those who orchestrated the campaign against Frye, Cabot and Pickman could not have forgotten that Frye was a "rescinder" and that Pickman and Cabot had subscribed to the Tory petition supporting his action. ⁶⁸ Recently, Pickman had led a committee of Essex County merchants in an investigation into the practices of customs officers, but to the dismay of the Whigs could find "no threat to American liberties". ⁶⁹

More serious violations of the boycott occurred in Marblehead. Infringements of the the local merchants' agreement were commonplace 1768-1770, despite the fact that the staple materials of the port's fishing industry - hooks and lines from Britain - were exempt from the embargo. All bar four of the town's merchants subscribed to the agreement of 1768. But two members of the committee which had drawn up the articles, Robert Hooper and Jeremiah Lee, imported banned goods on three and four occasions respectively. Other importers included three members of the pro-Whig Orne family, the radical Elbridge Gerry (whose family were reluctant to sign the agreement), and the friends of government Jacob Fowle and John Pederick. ⁷⁰ In August 1769, the Tory Thomas Robie received the largest consignment of goods he ever had in one season. ⁷¹

Faced with such blatant disregard for the agreement, the/

the Marblehead merchants elected a committee of inspection on October 17. The committee sprung into action in November when the brig St. Paul brought in goods for Jacob Fowle & Son, Israel Forster, John Sparhawk and Thomas Robie. A flurry of letters appeared in the Essex Gazette in which the importers claimed that they were not beholden to the dictates of the committee, and would not surrender their goods because they had not signed the non-importation agreement. But by December 29, the importers had conceded to the committee's demands.⁷² On January 13, the Marblehead merchants proscribed the importers for their defiance and Toryism, of "blindly preferring the chains of slavery, to our most valuable inheritance ENGLISH LIBERTY."⁷³ Thomas Robie complained to Richard Clarke that the committee of inspection was "assiduous in detect[ing] & removing any trifling package, as of [meaning if] all the Evils of Pandora's Box were inclos'd."⁷⁴

By the autumn of 1769, Thomas Hutchinson could see that importers and non-subscribers to the non-importation agreements were prepared to resist the dictates of the Whigs' and merchants' committees. But if they were to succeed in defeating the boycott, they needed to attract the support of other merchants and shopkeepers. This seemed unlikely, because the Grafton administration had done nothing to curb the power of the radicals and merchants, and because the provincial government was powerless to prevent the proscription of the importers and dissenters, which, as Hutchinson believed, deterred opponents of the boycott from acting against the Whigs and merchants. However, the cause of the importers was greatly assisted by the efforts of the printer and publisher John Mein.

In the Boston Chronicle for June 22-26, John Mein⁷⁵ claimed that since January 1, 190 different traders, many of whom had subscribed to the non-importation agreements, had broken the embargo on British goods. With this evidence, taken/

taken from customs house records, Mein argued that the agreements were being generally ignored, and refuted the claims of the merchants made in April that only six or seven traders were involved. He did not intend to publish the names of the importers "as it may excite great uneasiness in the province, and it is a most inhuman and invidious measure."⁷⁶ But when Mein's and the other importers' names were listed in the Boston Gazette, he retaliated by publishing the names of all the importers and the manifests of their cargoes, beginning in the Boston Chronicle of August 14-17. In the next eighteen months, Mein was to list the names of 285 Boston traders and 56 from other ports in Massachusetts who imported British goods after August 1768, when the Boston agreement was drawn up. He ridiculed the "Well-Disposed" Whig merchants, including John Hancock, John Rowe and William Phillips, whose names appeared on his lists, for their "parade of patriotism" and "pretence of rescuing the endangered liberties of their countrymen." The real purpose of the boycott, he maintained, was to allow the rich wholesale merchants who stockpiled British goods the opportunity of squeezing out of the market their smaller competitors, shopkeepers like himself who imported goods directly from Britain instead of purchasing them from wholesale merchants.⁷⁷

The violations occurred within the course of trading permitted and controlled by the agreements, but they are not readily indicative of dissenting ideological opinions or divisions within the Whig movement or commercial communities. The overwhelming majority of Boston's importers did not sign the first non-importation agreement of March 1768, or agree to observe its restrictions or promise to sign; only 17.54 per cent (50 of 285) did so.⁷⁸ The violations, however, occurred when the August agreement was in force, and it is more than likely that most of the importers listed by Mein would have been among the 211 subscribers. The frequency with which importers received goods suggests that for 80 per cent the violation of/

TABLE 5: FREQUENCY OF VIOLATIONS OF BOSTON'S NON-IMPORTATION
AGREEMENT OF AUGUST 1768, 1768-1770.

Violations	1	2-3	4-5	6-7	Over 7	
Importers	178	64	21	13	7	=283* [285]
Percentage of						
Importers	62.46	22.46	7.37	4.56	2.46	=100 [of 285]

*Excluding figures for violations by Samuel Barrett and Jonathan Barrett & Co. for whom none were available.

Source: Boston Chronicle, June 1769-June 1770.

TABLE 6: ESTIMATED VALUES OF TOTAL COMMODITY IMPORTS INTO NEW
ENGLAND, 1768-1772 (THOUSANDS OF POUNDS STERLING.)

Region	1768	1769	1770	1771	1772
Great Britain & Ireland	441	228	457	1,446	912
West Indies	258	362	350	322	403
Southern Europe	15	26	14	15	20
Africa (slaves only)	?	0.225	0	0	0
Total	714	616.225	821	1,783	1,335

Source: James F Shepherd and Gary M. Walton, Shipping, Maritime Trade, and the Economic Development of Colonial North America (Cambridge, 1979), pp.104, 113, 143.

of the agreement was unintentional, probably the result of negligence in cancelling orders or of being unable to countermand orders already dispatched from Britain. Sixty-two per cent of importers were guilty of single infringements only (see Table 5.). These, as historian John Tyler has pointed out, were considered to be minor offences by the merchants' committees. It was a matter of interpretation between Mein and the merchants as to what constituted an infraction of the boycott. The committees were inclined to overlook small quantities of contraband brought in by Whig merchants.⁷⁹ The importation of British goods into Boston and Massachusetts did not lessen the overall effect of the boycott on British-colonial commerce. The value of British imports into New England in 1769 was down 49 per cent from the total in 1768 (see Table 6.). Mein, nevertheless, like Hutchinson and Bernard highlighted some important aspects of the non-importation controversy that were of significance to the friends of government in their conflicts with the Whig-merchant leadership.

For many merchants, the importation of banned goods and their resistance to the merchants' committees was a significant demonstration of their opposition to Whig-imposed authority that tried to control their commercial activities.

Forty-seven firms were persistent importers, receiving consignments of goods on four to twelve occasions. These traders set out to circumvent the non-importation agreement. They included 11 Tories, not one of whom had supported the introduction of non-importation, although all except John Bernard eventually succumbed to the demands of the merchants' committees. For men such as these, with proven records of Toryism, the importing of listed goods was another act of defiance to the Whigs. For 24 friends of government, the non-importation controversy was the first test of their allegiance. Thomas Hutchinson noted that Theophilus Lillie, for example, was "a very/

TABLE 7: MASSACHUSETTS'S PERSISTENT IMPORTERS, AUGUST 1768-JANUARY 1770.

<u>Friends of Government</u>	<u>Allegiance</u>	<u>Boston March Agreement 1768</u>	<u>Violations, 1768-1770.</u>
Henry Barnes	Tory		5
John Bernard	Tory		8
Nicholas Boylston			
(Green & Boylston)	Tory	O	4
Benjamin Clarke		S	5
Richard Clarke & Sons	Tory	R	7
William Coffin Jr.	Whig		4
Samuel Fletcher			5
James Forrest			7
Sylvester Gardiner	Tory		5
Benjamin Greene & Son			6
Daniel & William Hubbard		S	6
Thomas Hubbard	Tory	R	6
Thomas & Elisha Hutchinson	Tory	R	10
Ralph Inman			7
William Jackson			4
Jeremiah Lee	Whig		4
Joshua Loring	Tory		4
James & Patrick McMasters			7
John Pederick			4
Thomas Robie	Tory		4
Nathaniel Rogers	Tory		12
James & Robert Selkrig			10
Jonathan Simpson		R	8
John Timmons		O	4
William Vassall			8
George Watson			4
Joshua Winslow	Whig		5

TABLE 7, contd.

Other	Allegiance	Boston March Agreement 1768	Violations, 1768-1770.
Joseph Anderson			4
John Apthorp			4
Robert Blair			4
Martin Brimmer			6
Stephen Cleverly (Green & Cleverly)			5
William Dennie	Whig	R	5
John Greenleaf			4
Peter Hughes	Whig		5
Joseph Jackson			7
John Knight			4
John Leverett	Whig	S	4
John Loring			5
Jonathan Mason	Whig	S	5
Thomas Handaside Peck	Whig	G	7
James Pitts	Whig	S	5
John Rowe	Whig	S	8
Epes Sergeant			5
Jacob Sheaffe			4
Isaac Smith		G	7
Christopher Starbuck & Co.			4

S= Signed outright.

O= Did not sign but promised to observe trading restrictions.

G= Promised to sign if the agreement became "generall".

R= Refused to sign.

Sources: Boston Chronicle, June 1769-June 1770; [Samuel P. Savage], List of Subscribers to the Non-Importation Agreement of March 1768, n.d. S.P. Savage II Collections, MHS. Allegiances determined from/

from Appendix A; Tyler, Smugglers & Patriots, pp.258-277; "An Alphabetical List of the Sons of Liberty Who Dined at Liberty Tree, Dorchester, August 14, 1769", Procs. MHS, 1st series, 11 (1869), pp.140-142.

very inoffensive man [to the Whigs] except in this affair of Importation." ⁸⁰ (The exceptions were Barnes, Boylston, R. Clarke, Coffin, Forrest, Thomas Hubbard, Rogers. and Robie.) ⁸¹ By importing banned goods persistently, they ran the risk of proscription. The Scottish merchants, particularly the Selkrigs and McMasters, were renowned for their resolve. Francis Bernard thought it "remarkable that the Scotch Merchants, who are a considerable Body, are all, to a Man, importers." ⁸²

John Mein was not the only importer to mount an attack on the merchants and Whigs in the press.

Colborn Barrell, a shopkeeper and Sandemanian, wrote a series of letters to the Boston Chronicle protesting at his treatment at the hands of the merchants' committees. On October 3, Barrell, along with two other importers, agreed to re-ship his goods to Britain. But two days later, the Boston Chronicle printed a letter in which he refuted the "implications that I was influenced to do what I did from the same principles that are there avowed" at the merchants' meetings. Barrell declared that he was not a Tory per se, but, nevertheless, was prepared to challenge the Whig orthodoxy of opinion:

I am obliged in conscience to disclaim these principles [the merchants' and Whigs'] having never yet been able to see the almost universally adopted measures of the British American Colonies, so tending/

tending to preserve the sacred institution of government and promote the peace and good of the country, as to engage my approbation of them. I was influenced to comply with that agreement because I had no desire to interfere with the regulations of the Merchants, and because I was willing to avoid their displeasure. 83

In subsequent letters, Barrell claimed he was "hurried into [submission] by the threatening and cajolling conduct of some of ... [the] Committee-men," and feared that his refusal would result in "bodily harm from the resentment of an enraged multitude." 84

On October 6, Barrell levelled further accusations at the merchants. He asserted that the committee had agreed to pay the freight costs of the items he was to return to Britain. When they did not, he refused to place his goods on the vessel designated by the merchants, the Wolf, and the ship sailed for Britain on the 21st without Barrell's consent. On the 26th, Barrell was curtly reminded of his promise to return his goods, and was told that another ship was ready to take them aboard. 85 Again Barrell declined, and replied to the merchants with a high-handed message proclaiming that his individual rights of freedom and liberty were being infringed by the merchants. It is an example of how far Tory ideology extended throughout the commercial community and imbibed the thoughts of hitherto non-aligned traders.

I must say that it is extreme[ly] hard, that in a land where LIBERTY is the cry, and where pretended PATRONS for it abound, a poor man shall not be suffered quietly to enjoy the benefit of an honest and fair trade, which the very constitution of the nation is admirably adapted to secure him.

The "Body", as the meetings of traders and townspeople were now styled, was an "UNLAWFUL ASSEMBLY", for it included many persons who did/

did not possess the right to vote at town meetings. With the merchants' refusal to honour their part of the "contract" to pay Barrell's freight charges, he held himself "entirely FREE" from any obligation to observe the agreement he had made. At the end of this letter, John Mein printed a poignant extract from the Esprit des lois in which Montesquieu defines the nature of "political liberty".⁸⁶

On November 8, Barrell was met in the street by William Molineux who told him that his latest message "abused" the merchants "in such a manner as deserved never to be forgiven." A committee was appointed to prepare a public statement on the dispute, for it was clear by now that Barrell would never return the imported goods.⁸⁷ In a pre-emptive action, Barrell published his correspondence in the December issues of the Boston Chronicle. Dr. Thomas Young replied for the merchants and Whigs with the "Protestant" letters in the Boston Evening Post. Barrell, said Young, was ignorant of the "Self-denying" aspects of non-importation, and henceforth should be considered as obnoxious as the Tories John Mein, James Murray, Thomas Hutchinson, Andrew Oliver and the Customs Commissioners.⁸⁸ In a Whig inspired charade, Barrell, along with General Gage, Oliver, Hutchinson, Bernard and the Commissioners was indicted for slander against the citizens of Massachusetts by a Grand Jury.⁸⁹

Theophilus Lillie echoed Barrell's sentiments in letters which were published in January 1770. On October 2, Lillie had signed a paper promising to store his goods until the boycott was lifted. This, he declared, "was no more my own act than as if I had been in prison, or upon the rack, and had made a promise on condition of being set free." Lillie described himself as an ordinary shopkeeper who had "never entered into the mysteries of government, having applied myself to my shop and my business." But the treatment he received convinced/

convinced him that his rights and liberties were endangered by the activities of the radical Whigs and merchants' committees of inspection.

It always seemed strange to me that people who contend so much for civil and religious liberty should be so ready to deprive others of their natural liberty; that men who are guarding against being subject to laws [to] which they never gave their consent in person or by their representative should at the same time make laws, and in the most effectual manner execute them upon me and others, to which laws I am sure I never gave my consent either in person or by representative.... If one set of private subjects may at any time take [it] upon themselves to punish another set of private subjects just when they please, it's such a sort of government as I never heard of before; and according to my poor notion of government, this is one of the principal things which government is designed to prevent; and I own I had rather be a slave under one master (for I know who he is...) than a slave to a hundred or more whom I don't know where to find, nor what they will expect of me. 90

The letters of Barrell and Lillie, two merchant-shopkeepers, reveal that ideological divisions were running deep within the east coast commercial communities as a result of attempts to enforce the boycott. They complemented the efforts of John Mein that exposed the socio-economic divisions within the protest movement and the commercial communities, and the observations of Francis Bernard and Thomas Hutchinson. The provincial government hoped that these divisions -between the rich wholesale merchants and shopkeeper-merchants like Lillie and Barrell, and between moderate Whigs and radicals - would eventually undermine the non-importation agreement and lead to a resumption of normal trading with Britain.

4. Moderate Whigs and Opposition to the Extension of the Non-Importation Agreement, October-December 1769.

While the majority of merchants and moderate Whigs were not prepared as yet to challenge the Whig-merchant leadership over the enforcement of trading restrictions and the proscriptions, dissatisfaction with non-importation increased the longer the embargo remained in force. The news, arriving in the summer, that the Grafton administration was disposed toward a partial repeal of the Townshend Acts boosted the hopes of the moderates and discontented traders that the boycott would end on January 1, 1770 as planned. But to their dismay, the radicals won a vote extending the boycott indefinitely until all the Townshend Acts and other revenue acts had been repealed.

In August 1769, John and Jonathan Amory wrote Thomas Mifflin of Philadelphia inquiring the conditions set down by the merchants there as to when orders could be sent and fulfilled, and whether the ending of the boycott depended upon the repeal of the Townshend Acts alone or the Revenue Acts of 1764 and 1766 as well.⁹¹ At the same time, they instructed their agent in London, Samuel Eliot, to purchase banned British goods "in case publick Affairs take such a Turn as Goods may be sent."⁹² But on no account would they "counteract the Design [of the boycott] by bringing [in] Goods till there is a general Importation."⁹³

We think it absolutely necessary both for you & us to go with the Tide, indeed there is no stemming it. If any Importation should be made contrary to the general Agreement the Goods will be housed [in a common store].⁹⁴

Not wishing to run foul of the merchants and Whigs, the Amorys declined the offer of the London merchants Kilby and Syme and Lane, Son & Frazer & Co. to supply them during the period/

period of the boycott.⁹⁵

Other moderates and merchants, however, did take the risk. In April, large consignments of goods arrived in Boston for prominent Whigs George Erving, John Rowe and John and Thomas Pitts. This was repeated in the autumn. According to Nathaniel Coffin, the arrival of goods for leading Whigs "occasions no small Commotions amongst the Sons [of Liberty]". Eventually, the merchants succumbed to pressure from the moderates and the importers, and on November 7 the merchants' meeting agreed that orders might be placed with British firms but that delivery of the goods must wait until trading restrictions were lifted. Of that there seemed little prospect, for on October 20 the radicals had won a vote extending the agreement indefinitely until all the Townshend Duties and ^{the} Revenue Acts of 1764 and 1766 were repealed.⁹⁶

Moderate Whig merchants were unsettled by the radicals' victory. It meant that commerce would be disrupted for at least another year and the radicals would have a free hand to continue the proscription of importers. Harrison Gray and John Erving refused to sign the extended agreement.⁹⁷ Nathaniel Coffin observed the growing discontent among the merchants:

There are many dissenters from this new agreement, & some very principal Merchants amongst them who look upon it as a piece of Quixotism. Among the Signers there are many Names put down by the Committee themselves, said to be done with the leave of those persons, but I myself have heard some of them, whose Names are to the agreement declare that as soon as they hear of [the] Repeal of the Glass & paper Act they will forward their orders for Goods. -- I am inclined to think that this new attempt wil[l] be the Rock they will Split upon. God Grant that divisions may take place amongst/

amongst them. ⁹⁸

Thomas Hutchinson concurred with Coffin's assessment.

The intimidatory tactics of the merchants and the divisions within the commercial community of Boston would weaken the power of the "liberty men". Now was the time to take advantage of the dissensions and discontent: "If ever [a] Machiavellian policy is to be justified this is the time." ⁹⁹

But for the moment, in the autumn of 1769, Hutchinson could expect little co-operation from the moderates and hitherto loyal Whigs. The Amorys, for instance, did not subscribe to the extended agreement, but did nothing to challenge the Whig-merchant leadership over the necessity of extending the boycott.

Tho' a great Number of Hands are already to it, [we]...have assur'd the Committee that if it should become in our Opinion sufficiently general we shall sign it - w[hi]^{ch} we shall be careful not to do is such openings are left as have been heretofore for particular Merch[an]^{ts} such as Mr. Jackson &c. to carry on an exclusive Trade. 100

Most moderates were prepared to tolerate the proscription of importers, for wealthy importers such as William Jackson threatened to displace temporarily the "well-disposed" merchants from the market in British goods. Their acquies^cence was conditional on the Whig-merchant leadership's capability of imposing trading restrictions which all traders would obey. The resistance of the importers to the committees and the large number of dissenters from the extended agreement persuaded the Amorys that they should wait upon further developments before they subscribed to the new agreement. But the treatment of the importers also served as a warning to the Amorys and other moderates and discontented merchants not to oppose/

oppose the leadership on this issue.

We are persuaded that the Distress which those who have imported Goods contrary to the Agreement have met with, will deter ev'ry one from sending for any from hence, but upon the Terms generally agreed upon. 101

To the moderates as well as the radicals, John Mein's campaign in the Boston Chronicle appeared to be a government inspired conspiracy, and for this reason did not attract the support of the moderates and discontented merchants.

The Amorys were anxious to distance themselves from Mein and "his party".¹⁰² Moderates Francis Green and George Erving were no less prepared than radicals such as William Palfrey to publish rejoinders to Mein's accusations that they had broken the boycott.¹⁰³ Five prominent Whigs were importers in the autumn of 1769 (John Rowe, James Pitts, Thomas Handaside Peck, William Dennie and Joshua Winslow), but all turned their goods over to the committees of inspection when requested. John Hancock's Lydia returned to Britain the cargoes of eight vessels that included goods belonging to Whig importers.¹⁰⁴

The intimidation of John Mein also deterred the moderates and discontented from speaking out against the extension of the boycott. The Whigs and merchants knew that Mein was receiving his information from someone in the Boston customs house. William Palfrey hinted that the source was Inspector-General Thomas Irving.¹⁰⁵ On August 28, the merchants of Boston had published a statement refuting Mein's claims that the agreement was being generally ignored. Mein had exaggerated the quantity of imports and the number of importers "with an apparent design to create a jealousy among the merchants." Mein was an outsider (a Scotsman) and a Tory - "a stranger who came among us for his own private emolument" and a "tool of a party."¹⁰⁶ On October 2, Samuel Adams declared in the/

the town meeting that Mein's publications would "make a precedent for others, to avail themselves of the sacrifice of which our own merchants and tradesmen have voluntarily made for the publick good, and hereafter the safety of the country shall admit of its being again carried on!" ¹⁰⁷

The radicals' support for the proscription of the importers was, in part, based on their anxiety that Mein could encourage traders to defect from the agreement. Whig writers made no effort to disguise their belief that Mein should be silenced.

Mein should cease his attacks on the "Well-Disposed" merchants "lest some of the Tailors & Shoemakers lately metamorphos'd into Merchants, should take it in their heads to pat his pretty chops rather harder than he would chuse." ¹⁰⁸

Mein was "aiming at a drubbing" as had happened to the Stamp Distributors in 1765. ¹⁰⁹

Nathaniel Coffin had long feared for Mein's safety. He noted that "There is such a general resentment against him as must materially affect him in his Business." Mein had made a dangerous enemy - John Hancock. Coffin told Charles Steuart that if it was not for the troops being stationed in King Street where Mein had his shop, "Mein would be tarred & feathered like an informer." ¹¹⁰ Coffin urged the determined Scot to cease his attacks on the merchants that had "wrought the People into such a Ferment." ¹¹¹

Mein ignored Coffin's advice, and on Saturday October 28 published his most virulent attack on the Whig-merchant leadership. He ridiculed and taunted the leaders: Hancock was "Johnny Dupe, Esq., alias the Milch Cow of...faction"; James Otis was "Counsellor Muddlehead"; Samuel Adams was "the Publican" and William Molineux "William the Knave". ¹¹²

Late that afternoon, Mein received the "drubbing" which, from the Whigs' point of view, he had long deserved. Mein and his/

his partner John Fleeming were returning home from work when they encountered a group of Whigs, including William Molineux and Captain Samuel Dashwood whom they had lampooned in that day's paper. The printers were stopped and a crowd soon gathered about them, "people fleeing from all Quarters." Threats and insults were exchanged on both sides before Mein and Fleeming made their retreat. Mein drew a pistol which he brandished at the mob. "An immediate Cry of Kill him, Kill him was raised", and the pair fled toward the guard house. The mob gave chase and landed several blows before Mein and Fleeming reached safety. Mein discharged his pistol, and the shot accidentally tore the sleeve of a soldier's uniform. The mob, now deprived of a victim, vented its fury on George Greyer, a customs house informer, who was tarred, feathered and carted through the town. The assault on Mein and Fleeming was not preplanned, but was a spontaneous outbreak of violence.¹¹³ Nevertheless, it was the best indication yet to the moderates and discontented merchants, as well as to the persistent importers, that the Whigs would use violence and the threat of violence to silence detractors and opponents of the boycott, if and when they were necessary.

Afterward, Molineux and Samuel Adams procured a warrant for Mein's arrest because he had unlawfully discharged a gun. Mein took refuge on board the H.M.S. Hope and then the man of war Rose. His friends, including Nathaniel Coffin and James Murray, urged him to leave Boston before the writ could be served or any other mobs attack him. This he did on November 17 on board the Hope, never to return to America.¹¹⁴

In the autumn of 1769, Thomas Hutchinson expected that many shopkeepers would turn against the Whig-merchant leadership, because they could not withstand the worst economic effects of the boycott. By the 1760s, shopkeepers of middling status had assumed the/

the functions of wholesale merchants by importing goods direct from Britain which they themselves retailed. This expansion in business functions was the result of the temporary boom in the Massachusetts economy during the French and Indian War, when English and Scottish merchant houses extended favourable terms of credit to traders who imported and sold British goods.¹¹⁵ Non-importation, of course, damaged their vital interests.¹¹⁶ Senior government officials viewed their possible demise as the consequence of a natural economic shrinkage occasioned by the over expansion of the credit system in the 1750s and early 1760s. For them, there was no question that the rich wholesale merchants were using the boycott to put out of business their smaller competitors.¹¹⁷ Thus, Francis Bernard expected that opposition to the boycott would come eventually from "those Traders, who have been drawn into the Scheme without having made Provision to prevent the Effects of it upon themselves."¹¹⁸

Bernard and Hutchinson, however, underestimated the commitment of shopkeepers and artisans to the non-importation policy. Hutchinson was surprised that these groups were "so infatuated" with the newly extended agreement.¹¹⁹ But as early as the summer of 1767, shopkeepers, tradesmen and artisans were among those who "spoke with great vehemence" in favour of a total trade boycott.¹²⁰ In the autumn of 1769, they supported the merchants' decision not to allow the Scottish shipbuilders leave to sell British goods in order to raise capital to construct four ships in Boston. Ships meant employment for those thrown out of work by the boycott, and the Scots took their business elsewhere.¹²¹ According to one Tory, this decision lost Boston £30,000 worth of trade with Glasgow.¹²² And in future, Francis Bernard expected that Salem, Newbury and Marblehead would derive greater benefits from trading connections with Scotland.¹²³

* * * * *

Despite the uncertainty of many traders concerning the adoption of the non-importation agreements of March and August 1768, and the extension of the boycott in October 1769, the opponents of the embargo did not c^oordinate their activities or make a move to end it. They lacked sufficient support from within the commercial community of Boston to have challenged the dominance of the Whig-merchant leadership, for the proscription and intimidation of persistent importers in Boston, Salem, and Marblehead was enough to discourage dissenters and discontented moderates from making a stand. Those who did resist the dictates of the merchants' committees pinpointed the ideological and socio-economic divisions within the east coast commercial communities and Whig protest movement which they hoped would eventually bring down the non-importation agreement.

CHAPTER EIGHT: THE FRIENDS OF GOVERNMENT AND THE ENDING OF
NON-IMPORTATION, 1770.

The opponents of non-importation increased considerably during 1770. Once again, the proscription of importers, as well as economic considerations, alienated many merchants and shopkeepers. But this time, when they received news of the repeal of the Townshend Duties except that on tea and heard that merchants in other colonies wished to end the embargo, the dissident moderates moved to the fore to challenge the Whig-merchant leadership and end the boycott on all British goods except tea.

1. The Proscription of Importers and Dissenters, January-March 1770.

In the late autumn and early winter of 1769, the six importers who were proscribed by the Boston town meeting and other importers (Samuel Fletcher, William Jackson and Benjamin Greene & Son) received fresh consignments of goods from Britain. Only one was an unusually large delivery; that entered for the McMasters on November 17. Once more, the importers handed over their goods to the committees of inspection.¹

Committees of inspection regularly checked the common stores and the stores of known importers. By the end of the year, they/

they had acquired evidence that some importers had sold part of their stock. When a committee visited Theophilus Lille on December 16, they were refused access to his store. This, said Lillie, threw Samuel Dashwood into a "great rage" and he "challenged me to come out of my house, and he would break my neck, my bones and the like." Eventually, Lillie admitted his friend Samuel Fletcher, the importer. Fletcher reported back to the committee that some items were missing. Lillie made no effort to disguise the fact that he had sold some of his goods, protesting that he "could not be interrupted in... business, and would not submit to such slavery any longer." He knew of at least "ten [traders] who had no notice taken of them, and were selling freely." ²

Lillie's claim was supported by reports made at the merchants' meetings of December 28 and 29. John Taylor had been selling his goods taken from a common store. Benjamin Greene & Son had supplied John Chandler of Worcester with a large quantity of imported goods. The Greenes claimed that the transaction was of a "private manner", although Chandler was actually one of their best customers. Greene wrote Chandler asking for the goods to be returned and dispatched his son to Worcester. Chandler refused. The merchants voted that Greene should deliver the rest of his goods to the committee of inspection and remit a cash deposit for those that had been sold. Greene wanted more time to consider the proposal than the meeting would allow, and his name was added to the list of proscribed importers whose shops the townspeople were to boycott. ³ William Jackson and Israel Williams of Hatfield were also proscribed when it was revealed that the former had supplied the latter with imported goods. ⁴

A meeting was called for January 17 to decide the fate of the importers who had broken their pledges not to sell their goods. It was attended not only by merchants and shopkeepers, but/

but by artisans and townspeople who had acquired a greater say in the merchants' proceedings since the beginning of non-importation. The "Body", as the assembly was called, met throughout 1770. Almost 1,400 people crammed into the Town House and Faneuil Hall to hear the speakers. Most of Boston's adult males attended; those that could vote at town meetings and those that could not. The Body was an extra-legal assembly, and the intensity of its deliberations were unmatched by even the most tempestuous town meeting.⁵

Seven merchant firms were accused of violating the non-importation agreement or the "contracts" they had signed in October: Thomas and Elisha Hutchinson, William Jackson, Nathaniel Rogers, Benjamin Greene & Son, John Taylor, Theophilus Lillie and Nathaniel Cary. It was voted that the whole Body attend first on William Jackson and the Hutchinsons. (The town's shops were closed especially to let the tradesmen participate.) Jackson refused to consult with a delegation headed by William Molineux. The Hutchinsons agreed to surrender the goods they had left in their own warehouse, but later in the day reneged on their promise.⁶

The Hutchinsons' refusal to compromise with the Body precipitated a crisis of resolve within the Whig-merchant leadership. Many Whigs believed that if the Body were to take further action against the sons of the acting Governor, Thomas Hutchinson, then they could be arraigned on a charge of treason. William Molineux was the only merchant among the political leadership who favoured the proposal that the Body should call on the Hutchinson once more. He was supported by radicals Thomas Young, Sam Adams and William Cooper (a retired merchant). Lawyers Josiah Quincy Jr. and Richard Dana, and merchants John Hancock and Henderson Inches were unenthusiastic about the proposal. But despite the words of caution offered by some Whigs, the motion was carried on the 18th with the backing of the radicals, artisans and shopkeepers.⁷

The Body voted that the "unjustifiable and perfidious conduct" of the violators revealed a "disposition to do every thing in their power to counteract and make void the united efforts of the whole continent." They were "meanly sacrificing the rights of their country to their own avarice and private interests." Once again, the dissenters from the agreement were accused of Toryism, of acting "in conjunction with placemen, pensioners, and other tools and dependants, upon a formed and settled plan to entail upon the present and future generations, BONDAGE, MISERY, and RUIN." On the afternoon of the 18th, the Body visited the seven violators they had proscribed.⁸

When the Body convened on the 19th, it was reported that only two of the dissenters (Cary and Taylor) had acceded to its demands. Nathaniel Rogers and Benjamin Greene were conveniently absent from home. Theophilus Lillie was as insolent as ever: he "had nothing left but his life, which he would deliver up if they pleased."⁹ Jackson kept out the way and sought the assistance of the provincial government. He informed Thomas Hutchinson that "he apprehended his person & property [to be] in danger." Hutchinson presented Jackson's letter to the Council, and Jackson and his brother attended the Council chamber in person. They told of "sundry threatening^(s.c.) expressions they had severally heard," although Jackson "thought himself safe for the night." The Council called for the Sheriff and Justices of the Peace to attend the Council chamber the following day. But the Council meeting was postponed for there was not a quorum of members.¹⁰

The moderator of the Body, William Phillips, reported that in the morning he had been interviewed by Thomas Hutchinson who informed him of his sons' willingness to surrender their current stock of goods and make a cash payment for those that they had already sold.¹¹

Hutchinson's desire to have his sons Thomas and Elisha "wholly/

"wholly out of the question" is an indication of his intent to provide effective leadership for the opponents of non-importation. His family "involved...[him] in greater difficulty in protecting the rest," whom he had "assured...to protect...even to the calling for the Troops if necessary." If Hutchinson was to encourage the moderates to defy the Whig-merchant leadership, he saw nothing to be gained from being accused of partiality.¹² He believed the readiness of "six or eight" importers to resist the Body was symptomatic of the underlying discontent of merchants who had been waiting patiently for trade to be resumed on January 1, until their hopes were dashed by the extension of the agreement in October. For the moment, this "far greater number... were contented to wait".¹³ In consulting with Phillips, Hutchinson may also have hoped to inspire defections within the Whig-merchant leadership, for he had heard that Phillips had "expressed himself in such terms as shew that he is tired of his part."¹⁴

The submission of his sons solved only part of Hutchinson's problem of how to encourage the defection of the moderates. Rash, precipitate action against the Body could alienate the moderates. Hutchinson had intimated to a few of the importers that he was prepared to use British troops to disperse the Body. But this frank confession was intended, perhaps, to soothe distressed minds, for, as he explained to Hillsborough, he would not deploy troops against the Body because of the "uncertain consequence" that such action might have.¹⁵ On the one hand it would almost certainly anger the moderates, while on the other it could provoke an uprising against the troops.

Hutchinson sought the advice of the Council on January 22. He declared that with his sons no longer interested parties in the dispute between the Body and the importers, he expected the Council to approve action to break up the Body, for/

for it was an assembly of "a dangerous tendency". He made three proposals: for the Board to issue a proclamation denouncing such meetings; to send the Sheriff to disperse it; or to call the moderator to the Council chamber to warn him of the illegality of the Body. The Council rejected all three proposals, although moderates such as Harrison Gray and John Erving were alarmed by the power of the Body. (The Justices of the Peace also refused to act against the Body.) ¹⁶

Hutchinson, therefore, acted on his own magisterial authority to try and disperse the Body. On the 23rd, he instructed Sheriff Greenleaf to go down to Faneuil Hall, where the Body had convened, and deliver two letters; one was a personal letter to William Phillips and the other was addressed to the people there assembled. Both letters were read aloud. The second letter was carefully composed and designed to appeal to the moderates. Hutchinson warned that the rich merchants and gentry had set out on a precarious path. The letter implied that the artisans, shopkeepers and tradesmen could quite easily turn against their leaders and social superiors now that they had gained much political influence through the Body.

Such of you as are Persons of Character,
Reputation and Property, expose yourselves
to the Consequences of the irregular
Actions of any of your Numbers who have
been assembled together, altho' you may
not approve of them; and altho' it may
be out of your Power to restrain them.

Hutchinson berated the moderates and discontented merchants for their political somnolence, and advised that they too would be implicated in the treasonable activities of the Body unless they took steps to break it up. His admonitions were "cloathed with Authority" derived from the King, and he pressed the crowd to "forbear all such unlawful Assemblies for the future, as you/

you would those Evils to which you may otherwise expose yourselves and your Country." 17

The next day Hutchinson composed a letter explaining why he chose to confront the Body. The letter indicates that Hutchinson's political thinking and strategy regarding the commercial community of Boston, like his relations with the General Court, were dominated by the desire to take advantage of the ideological and socio-economic divisions within the protest movement.

If the Council had been in sentiment with me, I think this Assembly might have been prevented or soon dispersed. Left alone, I had to consider the danger from such meeting[s] from day to day, which I knew to be against [the] law, and yet it consisted of several Justices of the Peace who ought to execute [the] law, several professed lawyers, and a great number of inhabitants of property together with three Representatives of the town and a mixed multitude warmed with a persuasion that what they were doing was right and that they were struggling for the liberties of America. 18

Hutchinson laid the letters he had sent to the Body and Phillips before the Council. Thus presented with a fait accompli which relieved the members of the onerous task of advising sanctions against the Body, they "expressed their intire Satisfaction" in the Governor's proceedings. 19

But Hutchinson's letters had little visible effect on the moderates and discontented merchants. The Body and the radicals were wise to Hutchinson's intentions and called for further proscriptions of importers who had begun to sell their goods and for harsher measures to be employed against them. Citizens were instructed not only to suspend commercial/

commercial dealings with dissenters (as they had been doing), but also to withhold from them "every Art and Office of common Civility." The violators of the agreement had shown a "very high Disregard to some of the most important moral Obligations... to the community", for which reason they deserved to be "severed... from the Commonwealth." On January 28, the Body again advocated the social ostracism of the dissenters. They were outsiders and parasites, particularly those that were immigrants to Massachusetts, who "deserve to be driven into that obscurity from which they originated and to the hole of the pit from whence they were digged."²⁰ No conciliatory or moderating opinions were heard at these meetings.

The Body's anger was directed at those violators of the agreement that it did not visit: John Bernard, the McMasters, Ami and Elizabeth Cuming. These merchants came to the province in the 1760s,²¹ and as they were "strangers in this Country" the moderates may have felt less inclined to protest at their proscription than if they had been native-born. (Benjamin Greene & Son acceded to the Body's demands to surrender their goods and submit cash for the value of those that they had sold.)²²

Correspondents in the Boston newspapers reinforced the Body's call for the social ostracism of the violators. One Whig wished to see his countrymen

break off - OFF FOREVER! - all social
intercourse, with those, whose commerce
contaminates,...whose avarice is insatiable,
& whose unnatural oppressions are not
to be borne. 23

To "Civis", the violators and importers were "Tories" who had grown rich at the expense of the commonwealth.

The man who is declared to be an outcast
by/

by the community in which he lives, without discovering evident marks of Distress, betrays the total want of that very principle which alone can contribute to his own or others happiness, and therefore affords the strongest proof that he deserves to be an outcast. 24

The citizens of Boston took it into their power to enforce the Body's new directive. The Boston Gazette withdrew advertisements of William Jackson's after receiving complaints from the public. 25 John Taylor, whose importing had brought him a temporary expulsion from the Boston Fire Club in August 1769, was now expelled sine die. 26 Known importers had their house windows broken and their walls daubed with "Hillsborough paint" (a mixture of faeces and urine) by "numbers of disorderly persons." Boys and youths put up signs outside their shops with "Importer" emblazoned on them, and subjected their customers to verbal abuse. 27 When Ebenezer Richardson, a government informer, tried to remove a sign placed outside the shop of his friend Theophilus Lillie, he was surrounded by a mob. The confrontation resulted in Richardson killing a young boy. 28 Incidents such as these contributed to the growing unrest among the townspeople that culminated in the King Street Riot of March 5. On March 16, the Boston town meeting recorded the names of the eleven firms who had recently violated the agreement by selling their goods: Thomas and Elisha Hutchinson, William Jackson, Ami and Elizabeth Cuming, John Taylor, John Bernard, Nathaniel Rogers, Theophilus Lillie, James and Patrick McMasters, John Mein, Israel Williams & Son of Hatfield and Henry Barnes of Marlborough. 29

The towns of Massachusetts approved the Body's dual policy of enforcing the economic and social isolation of the proscribed importers. Throughout the province, towns voted to have "no commercial or social connection" with those proscribed by Boston or local traders who ignored the boycott. The Leicester/

Leicester town meeting followed the example set by Boston in 1769 and proscribed five importers. Its inhabitants expressed the majoritarian point of view that justified the proscriptions: "Altho' it is the natural right of every man to dispose of his property, in such a manner as he shall see cause, yet every man ought to forego such right, when the interest of his country requires it."³⁰ Like most towns who voted on this matter, Groton advised its "Buyers and Sellers" not to deal in imported goods and so "avoid the Odium and Resentment" of their neighbours.³¹ Names of the importers proscribed by Boston and of local traders who violated the boycott were posted up in towns or written into town records³² (see Table 8).

After the Boston Massacre of March 5, there was a note of caution in the towns' support for proscription. Sudbury declared its disapprobation of violence that had been used against the property of the importers in Boston. Sandwich emphasised that all "legal, just, fair, and prudent" methods be used to enforce the boycott.³³ The disdain of violence did not suggest any irresolution on the part of the towns to take action against those who broke the agreement; many appointed committees of safety to enforce it. Rather, it was one effect of the Boston Massacre to alarm citizens throughout the province that the radicalism of the Body in the capital and its treatment of importers might provoke the provincial government into using the troops to protect the importers, thereby creating another flash point for a confrontation between the military and the civilian population.

The proscription of the importers prompted Tory writers to launch an attack on the Body. It was the first time since the Non-Consumption/Non-Importation Controversy began that the importers gained public support from outwith their own ranks. "Martyr", "Pacificus" and "Incredulous" all rounded on the divisions within the commercial community in an/

TABLE 8: MASSACHUSETTS TOWNS AND THE PROSCRIPTION OF IMPORTERS.

Town	Date of Meeting	Importers Named	Ostracism	Support For Non-Importation
Abington	21 Feb. 1770		E, F	N-I, T
Acton	1 Mar. 1770		E, S	N-I, T, M
Boxford	24 Jun. 1770		E, F	N-I, T, M
Brookfield	19 & 28 Mar. 1770		E	N-I, T, M
Cambridge	19 Mar. 1770		E	N-I
Charlestown	12 Jan. & 24 Mar. 1770	Full List of 11	E, F	N-I, T, C
Dedham	5 Mar. 1770		E	N-I, T, M
Gloucester	27 Mar. 1770	Full List of 11	E, S, F, TR	N-I, T, M
Groton	6 Mar. 1770		E, F	N-I, C
Haverhill	9 Apr. 1770		E, F, TO	N-I
Hingham	24 Mar. 1770		E, F	N-I
Leicester	22 Jan. 1770	Bernard, McMasters, Mein, Barnes, Cumings	E	N-I, T
Littleton	5 Mar. 1770		E, F	N-I, T, C
Marlborough	29 May 1770	Full List of 11	E, F	N-I
Medford	19 Mar. 1770	Full List of 11	E, F	N-I, T, M
Milton	12 Mar. 1770		E, S, F	N-I, T
Pembroke	n.d. Mar. 1770		E	N-I
Plymouth	26 Mar. 1770		E	N-I, T, M, C
Roxbury	5 Mar. 1770		E, TR	N-I, T, C
Salisbury	13 Mar. 1770		E, F, TR	N-I, T, M
Sudbury	19 Mar. 1770		E, S, F	N-I, M
Taunton	21 May 1770		E, F	N-I, T
Sandwich	8 Mar. 1770	Full List of 11	E, F	N-I

TABLE 8, contd.

Town	Date of Meeting	Importers Named	Ostracism	Support For Non-Importation
Waltham	5 Mar. 1770		E, F	N-I
Watertown	5 Mar. 1770	Full List of 11	F	N-I, M
Worcester	26 Mar.		E, S, F	N-I, T, M

Full List of 11= Those importers proscribed by the Boston and Charlestown town meetings: Thomas and Elisha Hutchinson, William Jackson, Ami and Elizabeth Cuming, John Taylor, John Bernard, Nathaniel Rogers, Theophilus Lillie, James and Patrick McMasters, John Mein, Israel Williams & Son and Henry Barnes.

E= Voted not to have commercial dealings with the importers.

S= Voted to ostracise importers from society.

F= Voted not to purchase goods from local factors or shopkeepers supplied by importers.

TR= Voted to write the names of importers into the town records or post them up in the town.

TO= Voted to make importers ineligible for town office.

N-I= Voted support for Boston's extended non-importation agreement.

T= Voted to boycott tea.

M= Voted to encourage the use of native manufactures.

C= Voted to appoint a committee of inspection to enforce the non-consumption/non-importation boycott.

Sources: The Boston Gazette and Country Journal, 1770; The Boston Evening Post, 1770; The Boston Chronicle, 1770.

an attempt to discredit the Whig-merchant leadership and encourage defections from the agreement.³⁴

In reference to the assault on John Mein the previous October, "Bostonian" denounced the violent tendencies of the Whigs that alarmed many moderates: "We have substituted the Bludgeon and Cudgel, and occasionally the SHOVEL [a weapon used on Mein], as badges of authority instead of the Mace, wand &c. used in other countries."³⁵

John Fleeming reprinted in the Boston Chronicle one item he selected from the London Morning Chronicle which served as a warning to all who supported the radicals: "Essay on the Causes of Sedition and their Remedy, and on the difference between Patriotism and Sedition &c."³⁶

Tories pleaded with the moderate Whigs to realise that the proscriptions would continue unabated and that violence would increase if they remained silent and did nothing to challenge the Whig-merchant leadership:

The most respectable person in this metropolis [Boston], who are in the least conversant in mercantile affairs, must necessarily be convinced of the partiality and injustice of the present prevailing measures, and would,...be well employed in detecting the Ringleaders, so that the may be brought to CONDIGN PUNISHMENT.³⁷

The growing discontent of merchants with the boycott, and the stubborn resistance of a handful of importers, some of whom were Tories or moderates who resented the Whig orthodoxy, convinced Thomas Hutchinson, as they had Francis Bernard and John Mein, that the majority of Boston's traders acquiesced in rather than fully supported non-importation. Hutchinson made a significant attempt to encourage defections from the movement in January 1770, but without any recognisable success. However, in the coming months, the increasing dissatisfaction of moderate Whigs with the boycott propelled them into action to challenge the Whig-merchant leadership over the necessity of continuing with non-importation following the repeal of the Townshend Duties on glass, paper and painter's colours.

2. The First Attempt to End Non-importation, April-May 1770.

In the spring of 1770, Thomas Hutchinson received encouraging indications that many more merchants were prepared to defy the Whig-merchant leadership and call for an end to the boycott. Non-importation, he noted, had even undermined the demand for smuggled tea brought in by prominent merchants such as the Ervings: "[John] Erving assures me that he and his family know well as any body that it is not worth while to run Tea from Holland."³⁸ Later, he promised Hutchinson that his family's (now unprofitable) illegal ventures would cease.³⁹ When large consignments of goods arrived in Boston in April, the Body, on the 19th, voted to continue with non-importation and took the extreme step of insisting that all importers should return their goods to Britain. (This had been done voluntarily by the merchants in 1769, although two - Patrick Smith and Byfield Lyde - were compelled to do it.) John Hancock again offered to reship goods free of freight charges.⁴⁰ But when news was received in Boston on the 24th that the administration of Lord North had engineered the partial repeal of the Townshend Acts (leaving intact the Tea Duty), the discontent of the merchants and moderates surfaced for all to see.

Gilbert Deblois, who had served on merchants' committees refused to surrender his goods. So too did his brother Lewis and William Bowes, a member of the Sons of Liberty. Later, however, all three complied. Hitherto politically inconspicuous traders (and friends of government) also resisted, and thus ran the risk of proscription: Benjamin Faneuil, Benjamin Davis, James Cazneau and Rufus Green.⁴¹ These and other merchants could see no reason for continuing with the boycott on British goods, with the possible exception of tea, following the partial repeal of the Townshend Acts. Defections from the agreement were also encouraged by the knowledge that traders in/

in Philadelphia and New York were calling for an end to the boycott. Rev. Andrew Elliot reported to Charles Steuart that in New York "one half of the people is ready to cut the others throats." 42

Tories such as Nathaniel Coffin underplayed the significance of developments at New York, Philadelphia and in Britain and their influence on events in Boston and the Massachusetts ports. He looked closer to home for explanations as to why many more moderates and merchants wished to give up the boycott. Coffin perceived an a priori connection between the increased political power of the artisans, townspeople and small traders over the merchants and the growth of dissent among the merchants; for that power was seen to be democratic, radical and oppressive, no more so than in the Body's treatment of importers and dissenters.

The Merchants of this Town [Boston] begin sensibly to feel the weight of this oppressive Power. Those of them who were warm in the non importation Plan, in order to intimidate the Discontents & bring them into their Measures foolishly called into their assistance all the Rabble of the Town, by publishing hand Bills inviting to their Meetings every one that had any sort of Connection with Trade, by which means the whole people were collected, who were excited by inflammatory haranges [sic] to proceed to violence with the importers. By this Policy they have intirely given the Regulation of Commerce out of their Hands. The Bells are ringing almost every Day of the Week to assemble this numerous Body, who stile themselves the Trade [or Body]. Committees of various Kinds are appointed by them, which used... to be composed of Merchants but are now made up of Carpenters, Leather Dressers, Joiners, Carters &c &c who daily parade the Town inspecting the Conduct of all the Merchants, & if any unfavourable Reports are made of any of them their House[s]/

House[s] are...bismeeered with ordure
 in the Dead of the Night, & their Windows
 broke, but what alarms more than all
 this, anonymous Letters are thrown into
 their yards threatening Death & Destruction
 to them & their Families. [B]y these
 kind of Methods it is that they have
 obliged a Number of Merchants to reship
 their Goods...which tho' it is attended
 with absolute Ruin to some of them, they
 appear to have done it voluntarily.
 They wrote Letters to the Moderator of
 those Meetings expressing great Concern
 for the offence they had given the Publick
 by their importation, & a desire their
 goods should be sent back again, & thanked
 Mr. Hancock for the generous offer of
 his ship to carry them back & were finally
 obliged to put them on board themselves
 & clear them out at the Custom House.
 By no other means could they secure themselves
 from the Rage & Violence of the People.
 A Number of Merchants had a Meeting in
 order to contrive some means to shake
 of[f] this terrible yoke, which was no
 sooner Known than an Anonymous Letter
 was carried them by [John] Gill the Printer,
 forbidding them upon their peril to take
 any measures with the Trade without calling
 in the whole Body. 43

The meeting which Coffin referred to at the end of this letter was the first occasion when dissident merchants met openly to plan counter-action against the non-importation agreement and the Whig-merchant leadership. On May 1, fifty "real Merchants" (wholesale merchants) convened at the British Coffee House to consider whether or not to resume trading in British goods. Unfortunately, their identities are unknown, but on the basis of the evidence mentioned below it can be deduced that they included disaffected moderate Whigs, Tories and proscribed importers. The meeting was organised without the approbation of the Body or merchants' committees. Dr. Thomas Young and John Gill were dispatched from Faneuil Hall, where the Body was in session, with orders for the dissidents to/

to disperse; this they did. ⁴⁴

Thomas Hutchinson played no part in organising the dissidents. He "was in hopes to have formed a party among the Merchants", but the dissidents rejected his overtures. ⁴⁵ On April 27, Hutchinson had written to the Earl of Hillsborough informing him of his unsuccessful attempts to initiate an "Association" of merchants:

I made an attempt to day to prevail upon a Merchant of the first Estate and Character to induce him to promote an Association but to no purpose. He gave me for Answer that until Parliament made provision for the punishment of the Confederacies all would be ineffectual and the Associates would be exposed to Popular rage. He observed farther that the last year when the Kings Speech and the Addresses of the Lords and of the House of Commons first came to us the Heads of the Opposition were struck with Terror and the seditious News Paper writers laid aside their Pens for 5 or 6 Weeks but, as soon as the apprehension of vigorous measures ceased, their fears were over and they became more assuming and tyrannical than before, and although the Terror was not so great the present year, yet it was visible, and now that they expect nothing will be done, they are recovering their Spirits knowing that there is no power within the Government to restrain them. ⁴⁶

In a letter to Francis Bernard written the following day, Hutchinson indicated that he had approached the Tory Nicholas Boylston and two moderates, George Bethune and possibly Joseph Green, Boylston's sixty-five year old partner. These men rejected his solicitations.

I cannot make any Impression upon Green Boylstone Bethune &c. I tell them there are enough [discontented merchants to defeat the leadership] if they would exert themselves. They answer it must/

must be done by a severe Act of Parliament
and nothing else will do it. 47

After their consultation with Hutchinson, Boylston and the others intended to distance themselves from the Governor in order to avoid alienating other moderates who distrusted Hutchinson but who wished, nevertheless, to end the boycott. The reasons which they gave for their refusal - a fear of proscription and a belief that Parliament should take the lead against the Whig-merchant leadership - Hutchinson readily accepted, for these were the very same reasons that he himself had used to explain the failure of the friends of government in Boston and the General Court to resist the leadership.

Nonetheless, Hutchinson continued in his efforts to inspire the dissidents, but it is evident that they did not welcome his assistance or interference. He suggested to them that legal action could be taken against the merchants' committees and the town meetings over the proscriptions. (He was, perhaps, thinking of making a cause célèbre.) But the dissidents "replied that there was no chance with a Jury," and that if they should commence a lawsuit against the Whigs or merchants "neither their persons nor property [would be] safe while it was depending." They also rejected Hutchinson's proposal that they should apply to the Council for protection; that too "would only expose them to the rage of the populace." 48 Hutchinson had tried these methods or recommended them in the past as a means to improve the standing of the opponents of non-importation, although he himself had little faith in the Council and Grand Juries when it came to acting against the protest movement. The dissidents had no desire to embark on a course of action that had virtually no chance of success: they realised that if the boycott was to be defeated, it would be through their efforts.

Between forty and fifty dissident traders assembled
at/

at the British Coffee House on May 23. The group's deliberations were led by the moderates John and Jonathan Amory, the Scottish importers⁴⁹ and "One of the Greens" (possibly Joseph Green.)⁵⁰ They drew up a subscription paper, which they signed, with the resolution that "there should be a free Importation of all Goods in the fall except Tea". If the Body did not see fit to end the total embargo, then an express letter should be sent to the "Southern Governments acquainting them that this was the mind of the Merchants who had assembled."⁵¹ It was an astute move by the dissidents to bring the responses of other colonies into the decision-making process. Their discussions earlier in the month had made no mention of the need to consult with other ports. But if the dissidents could not persuade the Body to resume trading at once, then the possibility that the merchants of New York and Philadelphia, now convinced that Boston would remain steadfast to the agreement, could succumb to the growing pressure to begin importing at their rival's expense might be enough to persuade the Bostonians to end the total embargo, lest they leave the market in British goods open to their competitors.

The dissidents tabled their proposal at a meeting of the Body in the afternoon. According to Thomas Hutchinson, "One of the Greens" objected to the intimidating presence of artisans and townspeople who were not directly involved in commerce: "It was unreasonable that the Merchants should be restrained from dissolving the Agreement they had mad[e] among themselves by the people who were then assembled most of whom had no concern in Trade nor any property." Affronted by this attempt to rally the moderates and the discontented merchants against the power-base of the Whig-merchant leadership, the Whig John Ruddock "was so angry he burst into crying" and William Molineux "harangued the populace". This "frightened some of the young Merchants" among the dissidents, and/

and many dissidents withdrew their names from the subscription paper.⁵² Consequently, their proposal was rejected by, it was claimed, "99 out of a hundred" of those present.⁵³

Hutchinson was informed afterward that had "Greene and [Nicholas] Boylstone" not withdrawn their support for the proposal then "the point would have been carried." It left him bitter and resentful to think that these men had declined his assistance and then had not the stomach to confront the Body and the leadership. The pair had "told the rest when they were applied to that they were intirely with them in sentiment but they would not render themselves obnoxious when they had no assurance of protection. They are afraid of their fine houses", Hutchinson noted wryly.⁵⁴ Their "timidity" was not untypical, as he told the Earl of Hillsborough: "Such great numbers of people in opposition to them immediately discourages them [the dissidents] from pursuing what seemed to be their determination."⁵⁵

3. The Defeat of Non-Importation.

The defeat of the dissidents brought only a temporary respite for the Whig-merchant leadership in its efforts to continue the boycott. The dissidents fully realised that the leadership and the Body had little influence on the course of events outside Massachusetts that were prompting merchants in the colony to call for an end to the boycott of all goods except tea. And as the radicals tried to enforce the agreement with renewed vigour, the defections increased.

On May 21, the Boston Evening Post confirmed earlier reports that the merchants of New York and Philadelphia were greatly divided in their commitment to non-importation.⁵⁶ When the Body met on the 25th, it was revealed that traders of Salem and Nantucket, and Newport, Rhode Island were also ignoring/

ignoring the boycott. The following day Newport rescinded its agreement, although it was resumed by early June after the merchants of New York had resolved to impose an embargo on the port.⁵⁷ On June 2, it was clear that the dissident merchants of New York had gained the upper hand. The committee there dispatched a circular letter to the principal American ports requesting their opinions concerning the continuation of non-importation. Boston, on the 25th, and Philadelphia rejected any relaxation of the embargo. Boston also broke off commerce with Portsmouth, New Hampshire, when that port resumed trading in British goods.⁵⁸ With these defections, the Earl of Hillsborough was confident that in Boston "the more sober and considerate" merchants would gain control.⁵⁹ But it was in New York that the dissidents gained the first victory, when the merchants voted to end the non-importation of all British goods except tea on July 9. Philadelphia followed suit on September 22.⁶⁰

Throughout the summer, the leadership in Boston worked hard to preserve the agreement and stifle the growing opposition. They refused Nathaniel Rogers' request to have his name removed from the list of proscribed importers after he had been mobbed in New York as an example to other would-be dissidents.⁶¹ It was reported that Sam Adams and the radicals had decided "to banish all Scotchmen" from Boston.⁶² Whether they had resolved to make examples of the Scottish importers is uncertain, but on May 5 the Body rejected a proposal made by one of the Selkrigs that he be allowed to sell his imported goods in return for building two ships (which, of course, would bring employment to shipwrights and labourers.) The Body preferred the Selkrigs "to be out of Business", and in June they left Boston.⁶³

The victimisation of the Scots continued when, on Friday June 16, Patrick and James McMasters were warned to quit the town within three days. They were reluctant to do so, for/

for since arriving from Scotland they had built up a profitable business, and had debts due to them of almost £4,000.

Two weeks before, they had offered to shut up shop and return their goods to Britain, "or do anything else that the Committee should direct."⁶⁴ Thomas Hutchinson responded to their request for help by asking a "Gentleman of character and influence ...to...use his good offices for the protection of these people." (It is not known who.)⁶⁵ But the radicals were in no mood to compromise.

On June 19, the brothers were still in town, and a crowd of several hundreds called on Patrick McMasters. He was dragged from his house and placed in a cart. The mob intended to tar and feather him. When McMasters fainted, the proceedings were delayed, and he was taken to a nearby apothecary's and revived with the help of smelling salts. "At the earnest Request of some prudent persons present", McMasters was spared the ordeal of tar and feathers. Instead, maximising the popular effect of the mobbing, they carted him four or five miles to Roxbury and forced him to swear an oath never to return to Boston. The Roxbury mob desired to have the same "amusement" with him, but McMasters was able to escape.⁶⁶ He and his brother were given asylum at Castle William for three months. The Attorney-General was given the almost impossible task of prosecuting his attackers.⁶⁷ (The McMasters and the Selkrigs eventually returned to Boston.)

The violence used against the Scots served to prevent further defections from the agreement. One Tory estimated that ninety out of a hundred traders wished to end the boycott, but were "terrified to submit to [the] tyranny of that Power they at first set up."⁶⁸ John Amory was lambasted in the Boston Gazette for his "warped" judgment in assuming that the majority of traders wanted to begin importing while the Tea Duty remained in force.⁶⁹ Support for Boston came from/

from the towns of Massachusetts. By the summer, more than twenty had voted their support for the continuation of non-importation (see Table 8, pp.253-254). As in the capital, violence was also used against selected targets to compel observance.

Robert Jamieson, a Scotsman and school teacher of Marblehead, was the victim of a well organised campaign of intimidation. On May 10, the Marblehead merchants voted to continue with non-importation. They expected little dissent from the town's merchants and shopkeepers. On May 22, the committee of inspection reported that since the arrival of the St. Paul in November "nothing has been received, but what was admissable by the Merchants Agreement" excepting one or two small items that had since been returned to Britain. The committee turned their attention to the townspeople. A subscription for the non-consumption of tea was circulated and signed by 712 heads of families. Originally, there were seventeen dissenters. But after a few days seven signed the pledge. The ten who did not included four women and Jamieson.⁷⁰ Jamieson told Thomas Hutchinson, when he met him at his Milton home in May, that he believed the committee's conduct was "Repugnant" to the laws of Britain.⁷¹

Because of his resistance and political views, Jamieson was singled out for rough treatment as a warning to others to observe the boycott. The committee of inspection encouraged parents to take their children away from his school. His wife was threatened, and then his house was "pull'd down and tore to piec[e]s by a Rabble at unreasonable hours of the Night." The crowd called out "with a Loud Voice kill that dog Jamieson he is a Governours man a Bastard of Liberty." According to Jamieson, he was able to calm the mob "with that Magnanimity of Mind which becomes a North Brittan [sic]." Afterward, the committee employed a more effective strategy. Jamieson's creditors/

creditors were urged to demand immediate repayment of his debts. Jamieson, however, was able to honour them all - except one - that for £6 to a man in Rhode Island. This man granted his power of attorney to Jamieson's enemies, and eventually Jamieson was served with a writ. Unable to pay, he was warned out of Marblehead. His last known refuge was Salem prison. ⁷²

Through foresight and resolution, Henry Barnes, the Tory merchant of Marlborough, was spared the fate of McMasters and Jamieson. Marlborough voted to continue with non-importation on March 13. It was well known that Barnes was selling imported goods supplied him by a "few very sly Tories" of Boston. On June 8, between 10 p.m. and 11 p.m., the Boston committee of inspection discovered that a wagon preparing to leave town contained imported goods consigned to Barnes. A crowd of nearly 1,000 followed the wagon as it was towed back to a common store in the North End. The Marlborough Whigs were spurred into action by the news. A meeting was held on the 10th to decide Barnes's punishment. It was reported by Barnes's wife that those in attendance were "chiefly young people who were not qualified to vote" at town meetings - the same who had boosted the majority that voted to continue with the boycott. They voted that the townspeople should boycott Barnes's shop. For the next few days, an effigy of Barnes covered in tar and feathers was placed on a horse and left to wander through the town. ⁷³

The Boston importers Ami and Elizabeth Cuming informed Barnes of the ordeal of Patrick McMasters. ⁷⁴ Nathaniel Coffin also warned him of the fate of Ebenezer Cutler, a trader of Oxford who had been carted after receiving imported goods from Theophilus Lillie. Barnes was sufficiently alarmed by these reports to equip himself with firearms to protect his family and store. ⁷⁵

Events in Marlborough deserve further attention because Barnes resorted to extra-legal means of defending himself, which was unique for a Tory or a dissenter from the non-importation agreement, with the exception of John Mein. Barnes received a letter threatening him with death if he did not comply with the committee's directives. If he closed his shop, he would "sustain no more private damage"; if not, it would be razed to the ground and he would be tarred and feathered; "And if nothing else will do but death you will certainly have it." According to Coffin, Barnes was "in daily expectation of...loosing his Life," yet was "determin'd not to yield an Inch...[and] to assert his Rights as an Englishman." ⁷⁶ Barnes gave a copy of the letter to the local selectmen, but they dismissed it, thinking it was "hatched by Barnes's own party." ⁷⁷ He sent the original to Thomas Hutchinson who laid it before the Council. A reward of £50 was offered for information concerning the authorship. ⁷⁸

Barnes was dissatisfied with the Council's efforts. On July 9, he petitioned the Board to take further action, and reminded the members of the "good services" he had done for the public in the manufacturing of potash. (He also possessed Marlborough's only distillery and was the highest taxpayer in the town.) The Council were unimpressed and refused to act on the petition. (Barnes never specified what he wished the Board to do, although he probably intended submitting further evidence regarding the conspiracy against him.) ⁷⁹

Barnes side-stepped formal legal proceedings and organised his own private mob. It was announced throughout Marlborough that on July 17 free liquor was to be distributed "to all that were for Barnes." According to a Whig source (which allegation Barnes made no attempt to refute), he attracted "a great number" of supporters including five labourers whom he employed and eleven others/

others from Marlborough and nearby towns. The local Whigs accused this group of making an unprovoked assault upon a "young lad" to his severe injury. The youth's offence was merely to walk through the town beating a drum. The Whigs compared the scene to a local re-enactment of the Boston Massacre.⁸⁰

In Barnes's version of the incident, the youth had been summoning the Sons of Liberty to a rendezvous at the house of one Alpheus Woods, whom Barnes suspected of writing the death threat. It is likely that he expected a visit from the Whig mob that evening. Barnes and his mob intercepted the youth and his compatriots. He admitted that one of his men injured the youth (whom he alleged was a member of the Woods family), but only in retaliation because the youth and his friends were armed and were intent on a confrontation with him.⁸¹ This incident demonstrates the farthest extent to which dissenters from the non-importation agreement were prepared to go in order to defend their interests and defy Whig-imposed authority.

In Salem also, opposition to the local Whig merchants and the leadership in Boston by dissenters from the agreement became more open and forceful during the summer of 1770. On April 21, the Salem merchants reported that nine of their number had received imported goods. With this small number of defections, they voted to continue with the boycott on May 1. On July 31, the Boston merchants appointed a high-ranking committee, including William Molineux and William Phillips, to tour the eastern ports and gauge the extent to which the boycott was being observed. They pronounced to their "utmost Satisfaction" that it was being adhered to in Newbury. But when they came to Salem, they were met by a vociferous crowd. Between forty and fifty people waited on Molineux at his residence in town. He was handed a note signed by one "Philanthrop" which threatened drastic action:

General/

General Molineux Understanding yt. You
 are come into this Town (who are at present
 in a peaceable State) to Raise a Spirit
 of Sedition; As a Friend to Mankind in
 general, I would Advise you immediately
 to depart this Place, with all those
 that have enlisted under your Piraticle
 Banner, otherwise. Be assur'd You
 will suffer the like fate, with the poor
 McMasters, whom you treated with such
 Unparallel'd Barbarity. 82

On September 22, four importers led by Peter Frye
 persuaded an Under-Sheriff to issue a warrant and open the
 common store so that they could remove their goods, which they
 then sold. The four were proscribed for their actions
 and compelled to return what items they had remaining. 83
 Other traders followed their example in defying the agreement.
 Matthew Mansfield, a shopkeeper, purchased goods from
 one wholesale merchant. He wrote to the Essex Gazette
 claiming that he was not the only one to have done so:
 "There are but very few shopkeepers in town who have not bought
 of him, and that his shop is as much or more frequented by
 the inhabitants of the town than it ever was." At least
 "four large shops" were stocked with fresh deliveries of British
 goods, and people from the town and surrounding area "flocked
 to buy them." He had done the same because he "found that
 the non-importation plan was pretty generally given up, & I
 tho't, as well I might, that it would be in vain to stand out
 any longer, unless I would stand alone." 84

Meanwhile, events in Boston were running to a conclusion
 as the opponents of non-importation gathered strength.
 By September, the unity of the movement, comprising wholesale
 merchants, retail shopkeepers, artisans, craftsmen and townspeople,
 was broken. Thomas Hutchinson was convinced that nine-
 tenths of them wished to end the boycott. From September
 10 to 13, a group of dissidents met at the British Coffee
 House to discuss the adoption of "conciliating measures".
 On/

On the 13th, the Body and merchants met together for the last time before the Tea Party of 1773. Widespread support for the dissidents from traders and townspeople was evident when a compromise solution was agreed: it was proposed that a continental congress be set up to decide whether or not the colonies should persist with the boycott, which would remain in force pending its ruling. But this attempt to ensure intercolonial conformity was defeated by the news that Philadelphia abandoned non-importation on September 22. With both their major commercial rivals now in the market for British goods (New York had given up the boycott on July 9), the Bostonians could not hold out any longer. The dissidents, led by John Amory, reconvened on October 9. Two days later they won enough support in the merchants' meeting for their proposal that the importation of all British goods should be resumed, except tea. Without the opposition from the radical Whigs and the radicals among the artisans and townspeople that they had encountered in the Body, the dissidents were able to convince the majority of merchants that this was the right course of action to take. On October 18, the merchants' committees began the task of returning imported goods held in the common stores. The rest of Massachusetts soon followed suit.⁸⁵

* * * * *

The defeat of the non-importation agreement in 1770 was the first major success achieved by the friends of government in their struggle with the Whigs. Fearful of the economic consequences/

consequences of a prolonged embargo and repelled by the proscription of importers and dissenters from the agreement, persistent importers, moderate Whigs and Tories were quick to take advantage of the changing circumstances outside Massachusetts that effectively undermined the boycott and combined to lead the growing opposition. In the process, they spurned the assistance offered by acting Governor Thomas Hutchinson and chose to challenge the Whig-merchant leadership and the Body on their own terms. They rested content with their success and the coalition broke up immediately after the resumption of trade. The Non-Importation Controversy and the other major issues of 1767-1771 boosted the ranks of the friends of government. Approximately 116, or 16 per cent of the friends of government, turned against the Whig party during the Non-Consumption/Non-Importation Controversies. Many were moderates hitherto loyal to their party, and in 1774 the dissidents emerged again to lead the opposition to the Whigs. (See Appendix A.)

CHAPTER NINE: THE FAILURE OF THOMAS HUTCHINSON, 1771-1773.

The defeat of the Whigs' non-importation agreements was followed by a period of uneasy calm in Massachusetts. The colony's merchants resumed trading with Britain, except in tea, and were soon importing three times the value of goods that they had been in 1768. The British Credit Crisis of 1772 slowed down the re-expansion of commerce (see Table 6, p.227). Thomas Hutchinson replaced Francis Bernard as Governor and received his commission in March 1771. Hutchinson was presented with several congratulatory addresses that augured well for political support in the future.¹ In the first few years of Hutchinson's administration, American affairs virtually disappeared from the Parliamentary agenda as M.P.s and ministers turned their attention to the conflict with Spain over the Falkland Islands.² But much of Hutchinson's time was still spent embroiled in political conflicts, for the Whigs continued to protest against British colonial policies and challenge Parliamentary prerogatives. Hutchinson's main political objective was the same as it was in the 1760s, of trying to create a strong anti-radical party from among the friends of government. He asked the conservatives, moderates, and people of Massachusetts to place their faith in the existing constitutional arrangement without being able to assure them that their much vaunted liberties would be secure. As the period of quiet gave way to one of intense agitation in 1773, these ideas, when compared to those of the Whig leaders, appeared/

appeared to be outmoded and unacceptable solutions to the dispute with Britain; Hutchinson attracted few supporters to the pro-government faction. His failure to build a politically strong coalition in the General Court and town meetings left the friends of government weak and ill-prepared to challenge the power of the radicals in these institutions. It was largely without the assistance of Hutchinson, the provincial administration and the British government that the friends of government mounted their most daring assault on the dominance of the Whigs in the summer of 1774.

1. An Uneasy Calm.

Hutchinson's accession to the Governorship improved the prospects of Tory office-seekers and those of his own extended family in particular. Andrew Oliver, his son Thomas's father-in-law, was promoted to Lieutenant-Governor on his recommendation.³ Hutchinson's nephew, Nathaniel Rogers, solicited for the vacant post of Secretary of State, but with his untimely death it went to Thomas Flucker who was "for some time...considered as a Creditor of the Crown."⁴ Old Benjamin Lynde succeeded Hutchinson as Chief Justice. With his resignation after only one year in office, the post went to Peter Oliver Sr. John Cushing also resigned from the Superior Court, and the vacancies on the bench were filled by Cushing's son William, Hutchinson's brother Foster and former councillor Nathaniel Ropes.⁵ Hutchinson continued to complain of his limited powers of patronage, and of the Whigs in the General Court.⁶ But he resolved to continue in the spirit of Bernard's "reforming plan". Ten Tories were offered commissions in the province militia.⁷ Timothy Ruggles was appointed Surveyor-General of the King's Forests, a sinecure worth at least £3,000 per annum, probably on the recommendations of Hutchinson and Bernard.⁸ The Whigs were/

were not forgotten in the distribution of offices. William Brattle was made Major-General of the militia.⁹ Late in 1771, Benjamin Church, an out-and-out radical, was recruited as a government spy.¹⁰ The moderate Samuel Quincy, who had defended Captain Preston during the Boston Massacre Trial, was offered and accepted the post of Solicitor-General, much to the chagrin of the Whigs.¹¹

Hutchinson made a special effort to re-assure Tories that the proceedings of the Whigs were "condemned by all parties in England", and that action taken against the leaders of the protests by the government of Lord North could be expected soon.¹² Andrew Oliver was one Tory who was pessimistic that the Whigs could be silenced and the dispute over rights and liberties ended, for "the leaders of the people were never so open in asserting our independence of the British legislature."¹³ Rank-and-file Tories saw little prospect of a return to the "normalcy" of the pre-Stamp Act period, even if the British government was to take proscriptive or punitive action against the Whigs. Nathaniel Coffin did not like to see the troops withdrawn from Boston after the Massacre, and worried that riots would break out every time the Royal Navy ships left the harbour to patrol the coast. He was also alarmed at "the little attention...bestowed by Parliamen]^t upon our matters," because the radicals "have as strong a propensity to mischief as ever they had." However, he doubted "whither they will have it in their power to kick up a Dust again."¹⁴

When the House of Representatives met on April 3, Hutchinson was convinced that the session would be "very peaceable and decent", for there was apparently no new issue on which the radicals could rally the other members and the moderates against him. Nonetheless, Hutchinson prevailed on Timothy Ruggles and other friends of government to attend the debates.¹⁵ At first, the moderates joined the government's supporters and/

and treated Hutchinson with much candour. Ruggles's motion that the House present the new Governor with a congratulatory address was defeated by just one vote and then passed a second time. Ruggles and John Worthington were appointed to the committee which prepared the address - an acknowledgement by Speaker Cushing of the widespread support the Tories commanded on this occasion.¹⁶

The radicals tried to raise a stir over Hutchinson's refusal to assent to two bills providing for his Governor's salary. They suspected that he was already in receipt of a Crown salary. Hutchinson declined "to enter into a Dispute", for as yet he had not received "full instructions" from Britain. Confirmation of the award did not arrive until July 1772.¹⁷ The incident left Hutchinson unshaken and still confident of winning the support of the majority of members on any future contentious issue. He reasoned that, "by their conduct", the radicals "have increased the number of my friends", and would continue to do so if they persisted in quarelling with him. He expected the friends of government to do well at the polls. The Whigs were "afraid of a change of Members in many Towns."¹⁸ The power of the "faction", he concluded, was "dying but it dies hard."¹⁹

The radical Whig writers made a concerted effort to damage the electoral chances of the friends of government over the question of the Governor's salary.²⁰ And it was claimed that not only Hutchinson but Secretary Flucker and Lieutenant-Governor Oliver were to receive awards from the Crown.²¹ The election had mixed fortunes for the friends of government. Eleven Tories were returned to the House, a net gain of three members. Among them were five rescinders ousted in 1768 and 1769 (John Calef, Matthew Mayhew, Josiah Edson, Chillingsworth Foster and Israel Williams). Back into the House for the/

the first time since 1767 came Colonel Thomas Gilbert, an influential landowner from Freetown. The election of such prominent Tories as Gilbert and Edson led John Adams to conclude that in some parts of the province the power of the Whigs was on the wane. But the Tories position in the House was weakened by the loss of Timothy Ruggles and Daniel Oliver Jr., for Hardwick did not return any representatives in 1771. Once more, Hutchinson was disappointed that the moderates and Tories in the Boston town meeting did not put up a better show: Otis, Cushing, Hancock and Sam Adams were re-elected with near equal votes.²² (See Appendix B and Table 2, p.86.)

The first session of the new House was short, but the radicals and their associates were still in the driving seat. On June 19, the House passed another protest about meeting at Cambridge. Hutchinson estimated that one-third of the members opposed its adoption and two-thirds supported it. On July 5, he prorogued the General Court, and the House did not meet again until April 8, 1772.²³

During 1770, Hutchinson had gained the confidence of the moderate Whig councillors, and in 1771 he managed to win the active co-operation of the Board. Hutchinson well knew that whenever the General Court was not in session, the Council had been meeting separately without him for the purposes of instructing their agent, William Bollan. But like Francis Bernard in 1768, Hutchinson was prepared to acquiesce in the Council's unconstitutional procedures because, as he wrote in April 1771, the "Council are very nearly right" in attitude.²⁴ Plainly, he had no desire to alienate the moderates as Bernard had done; since the Board had not asserted any "right" to meet without him in legislative sessions and defended their actions on the grounds of expediency, Hutchinson informed the members that he was prepared to tolerate their behaviour on condition that the councillors' reports were tabled at/

at formal meetings for approval. ²⁵

However, Hutchinson's refusal to assent to any bills providing for Bollan's salary irked the moderates and the radicals. Further provocation came on July 18, when he laid before the Board royal instructions from Hillsborough condemning the appointment of a separate agent and exhorting them to cease holding meetings at which the Governor was not present. ²⁶ But the instructions proved to be only a minor irritation to the Council's working relationship with Hutchinson. In September, Hutchinson wrote that "Most of the Council who were offended with Mr. Bernard have changed their Temper and behaviour but they dare not openly oppose the leaders of the Faction." ²⁷

In the Massachusetts Spy of November 14, Joseph Greenleaf as "Muscius Scaevola" delivered a stinging attack upon the Governor and the moderate councillors. Hutchinson was a "usurper" of the people's authority by removing the General Court from its traditional meeting place of Boston to Cambridge. "Scaevola" also protested that Hutchinson's recent proclamation calling for the Massachusetts clergy to offer prayers for peace in the province on Thanksgiving Day (November 21) gave the misleading impression that the province was in a state of turmoil and uproar. Another Whig, "Fidelis", claimed that this proposal originated with one of the councillors and that it had been supported by at least six other members of the Board. ²⁸

Hutchinson was outraged. The "Scaevola" letter was reprinted in the first issue of the pro-government paper The Censor, founded by Hutchinson and Andrew Oliver. According to the editorial, it was an example of the "unbridled ambition, and daring phrenzy of aspiring demagogues" who "take pleasure in producing disorder in the machine of government." ²⁹ The majority of councillors shared this view and agreed to Hutchinson's/

Hutchinson's request that Greenleaf be dismissed from his post of Justice of the Peace for Plymouth County. Never before had the Board agreed to annul the commission of a Whig J.P. Attorney-General Jonathan Sewall served the printer of the Massachusetts Spy, Isaiah Thomas, with a writ for libel, but a Grand Jury refused to support the indictment.³⁰

The "Scaevola" incident prompted Tories to take up their pens in defence of the Governor and Council. The most notable efforts came from Andrew Oliver as "Freeman" and Rev. Henry Caner as "Chronus".³¹ Their thoughts ranged over a number of issues and codified, rationalized and arranged the main aspects of Tory ideology that had appeared in the 1760s.

Following the Whigs' assault on the prerogative rights of the Governor and his duty to obey royal instructions, the Tories examined the sources from which the Whigs derived their arguments. The Massachusetts Charter, they maintained, was not a compact or an express contract in the Lockean mould that preserved the "inalienable" rights of the colonists to tax themselves or to decide where their assembly should meet. On the contrary, the Charter established the limits of their liberties and their subjection to Parliamentary authority in all matters; ipso facto, William III and Mary were never in a position to grant anything to the colonists that abrogated the prerogative of the Crown and the sovereignty of the King-in-Parliament.³² "Freeman" catalogued the House's dispute with Hutchinson over meeting at Cambridge and defended the Governor's actions on the basis of his prerogative powers which he derived from the Charter, the Crown and royal instructions.³³ "Chronus" suggested that those who questioned the authority of the instructions were challenging the very foundation of the provincial government and denying "the authenticity of every act of those who derive their authority from his approbation or appointment." The simple fact of life in Massachusetts was that royal instructions and/

and the powers of the Governor were the last remaining counter-weights to the popular party in the General Court and town meetings. In upholding the doctrine of the inviolability of Parliamentary supremacy, the Tories believed they were reiterating a common creed and widely held opinion that an "imperium in imperio" - or dual sovereignty - could not exist within the same empire.³⁴ But they fully realised the unpopularity of this view in America. One reason for the radicals' electoral successes was their ability to convince voters that the Tories' arguments were reducible to the discredited Hobbesian doctrines of passive obedience and non-resistance to established governments and authorities.³⁵

"Chronus" and "Freeman" reaffirmed their faith in the political leadership of the Massachusetts gentry, not all of whom had succumbed to the spell of liberty.³⁶ It was the duty of the wealthy landowners and merchants and of everyone in the colony "to support the laws and dignity of that Government which protects you, and secures you to the quiet possession of your property."³⁷ "Such men", according to "Freeman", "in cases of real grievance, are most likely to procure redress if the people can be persuaded to listen to them" and adopt moderate petitions and remonstrances.³⁸

There were several inconsistencies and weak arguments in the Tories' case which the Whigs were quick to uncover. The General Court, noted Sam Adams (as "Candidus"), had sent numerous petitions to Parliament that had little effect on the decisions of M.P.s or ministers. Petitioning was a slow, cumbersome and unreliable process to obtain a redress of grievances, and petitions had been rendered ineffective by the misrepresentations contained in the Governor's covering letters. Here, Adams was on solid ground, for he could cite the failure of the House of Commons to admit the colonies' remonstrances against the Revenue Act and Stamp Duty, and the misrepresentations contained in Bernard's letters to Hillsborough of/

of 1768 as hard evidence. ³⁹

The writings of "Chronus" and "Freeman" and the apparent willingness of the Council to co-operate with Governor Hutchinson were, for the Tories, the brightest moments in an otherwise dull, tense political climate. Hutchinson's next step was to try and win the active political support of the friends of government and the moderates in the General Court. But that, as it had been for Francis Bernard, proved to be no easy task.

2. The Moderate Revival in the General Court, April-July 1772.

When the House elected in 1771 met for its second session on April 8, 1772, its members were still in a belligerent mood at having been called to Cambridge. Hutchinson answered their remonstrances with a high-handed declaration of his duty to obey royal instructions, and reminded the representatives that their continual protests would change neither his mind nor those of British ministers. However, he intimated that should they desist from challenging the King's prerogative to direct colonial governors he would give their request to return to Boston serious consideration. ⁴⁰ This offer was made on Hutchinson's own discretion without the prior approval of the Earl of Hillsborough. ⁴¹

Hutchinson found a receptive audience among the moderates and discontented Whigs. John Hancock, who, since the end of the Non-Importation Controversy had become dissatisfied with his role in the protest movement, introduced a motion that the assembly should return to Boston on the grounds that it was inconvenient to conduct its business and affairs elsewhere. It/

It was "opposed with firmness" by Sam Adams and his followers, for whom approval was held to be "tacitly giving up our own main principles" that had feuled¹ the dispute over the last two years.⁴² Hancock's proposal, although supported by many moderates, was narrowly defeated (by "3 or 4 voices" according to Hutchinson or a majority of 9 according to Adams).⁴³ Heartened by the response of the moderates, Hutchinson reiterated his willingness to return the Court to Boston in his speech to the House of April 25, with which he also prorogued the assembly.⁴⁴

Hutchinson's conditional offer was made in what he believed was an atmosphere more conducive to compromise than before, and was a ploy to woo the moderates away from the radicals.⁴⁵ It was not an admission of defeat, for the Governor would brook no concession on the principles involved..⁴⁶ Throughout this dispute, Hutchinson's stance had won the approbation of the North administration,⁴⁷ yet this alone had never been sufficient inducement for the deputies to return to a "just sense" of their duties. Now, as all could see, the Whigs were dividing amongst themselves, and Hutchinson was convinced that sooner or later the few Tories left in the House would emerge to lead the moderates and end the dominance of the radicals, whose stubbornness was perpetuating the dispute. At this juncture, therefore, Hutchinson's proposition served the purpose of indicating to the moderates and "potential" friends of government that he was the only party who desired an end to the controversy, however false such a supposition actually may have been. "My intention in this...proceeding," he wrote, "was to shew the People of the Province the strict regard I paid to His Majestys Instructions and to strengthen me to resist any future attempts to induce me to depart from them in other Instances."⁴⁸

Hutchinson knew from bitter experience how fickle the moderates were and, indeed, how difficult it could be to prevail on/

on the Tories to attend debates "when they...[were] most wanted."⁴⁹ Once again, the Whigs mounted a vigorous anti-Tory campaign against the friends of government.⁵⁰ But the May elections boosted Hutchinson's hopes of a moderate revival in the House. The total number of Tories returned remained the same, eleven, and the potential leaders of a coalition were all re-elected: John Worthington, Israel Williams and Thomas Gilbert. This time around, however, many more moderates were elected, although exactly how many cannot be determined.⁵¹ Hutchinson believed that this group of Tories and moderates, some friends of government others not, could join forces in a pro-government coalition, despite the fact that the friends of government had not won a significant victory in the House since they managed to delay the adoption of the circular letter in January 1768. "We don't yet know our strength", he confessed to Francis Bernard.⁵²

Hutchinson counted on winning the support of the moderate councillors who had drifted in and out of the government camp over the years if the radicals continued to question and challenge the extent of Britain's authority in the colonies. He told Bernard that "Brattle, Gray and [Stephen] Hall are firm friends to government."⁵³ The moderates were tired of the altercations between the Governor and the House and alarmed at the extremist doctrines put forward by both sides in the heat of the arguments. Harrison Gray explained his position to the exiled Whig John Boylston:

you must not expect that I dabble in
politics my Situation being such as would
render it imprudent in me to interest
my self in the quarrel of hot headed
politicians⁵⁴

Gray and Brattle were ridiculed for their moderatism as "Mrs. Gray" and "Madam Brattle".⁵⁵ For a moment, Hutchinson hoped that/

that the growing opposition to the radicals would be enough to persuade even James Bowdoin to give up the protests. Further encouragement came with the news that Bowdoin's son-in-law John Temple, Hutchinson's and Bernard's adversary had been recently appointed Surveyor-General of Customs in England.⁵⁶ But it was not to be, and Bowdoin remained a political enemy. More was expected of John Hancock, following his split with Sam Adams and other radicals. In May, Hutchinson informed Bernard that he had "settled it some months ago to accept Hancock" into the Council if the House elected him again. Hancock was elected, but refused to take his seat on the Board.⁵⁷

Nevertheless, Hancock and Speaker Thomas Cushing visited Hutchinson before the General Court met on May 30 and inquired upon what terms he would consent to the assembly being returned to Boston. The Governor told them that the conditions had not changed since he had first made the proposition: "if there was anything in their Address or Message which tended to a denial of the Kings Authority to give Instructions to the Governor I would not consent to it." But to appease the moderates and "to save appearances" for Hancock and Cushing, he promised not to renege on his part of the bargain if the address included the claim, made customary by previous Houses, that the Governor only had a right to remove the Court from Boston in cases of necessity. Cushing and Hancock, continued Hutchinson, "encouraged me they would comply with my proposal if Mr. [Sam] Adams did not prevent it".⁵⁸ Evidently, if Hutchinson's testimony is correct, Cushing and Hancock had taken the bait of compromise which he had laid in April and were prepared to defy Adams and the radicals in an effort to end the dispute over the removal of the General Court. The Governor must have been elated, for the temporary defection from the radicals of the two Bostonians solved the immediate pressing problem of trying to persuade members to lead the opposition./

opposition.

His next step was to make a plea to the members for conciliation: "I formed my Speech so as to avoid obliging them being a new House to take notice of any thing which had passed in former Assemblies." It was a time to wipe the slate clean for the moderates, and Hutchinson restated his position concerning the Court being returned to Boston.⁵⁹ The Council warmed to his proposal and suggested that a joint committee of the two chambers be appointed to prepare a reply to Hutchinson. But the representatives rejected this offer and appointed Sam Adams to a House committee to draw up the message.⁶⁰ The friends of government were unable to prevent the House approving the document prepared by Adams, which declared that the sole intention of the Governor in making the proposal was to obtain from the members "an explicit submission" to the Crown's prerogative and authority of Parliament; the removal of the assembly in the first place was totally unjustified. Hutchinson thus refused to consent to an adjournment to Boston, although he did not prorogue the Court as he had threatened to do.⁶¹

Shortly thereafter, Hutchinson's hopes of building a pro-government coalition party were dealt a severe blow. News arrived in Boston confirming earlier reports that Hutchinson was to receive a gubernatorial salary from the Crown. The Whigs in the House were furious, and on June 6 a committee enquired of Hutchinson whether he had already accepted the offer. Seven days later, Hutchinson confessed that he had received notice of the Crown's intention to make a provision for his salary, and for that reason must decline the annual award made by the province.⁶²

Hutchinson refused to postpone the controversy over his salary by proroguing the assembly. "A Dissolution would have/

have done no good," he told John Pownall, "but on the contrary might have lost me those good men who are now of the House upon a new Election." ⁶³ As a matter of political expediency, Hutchinson relinquished the terms of concession that he demanded of the House in spite of Adams's most recent challenge to the royal prerogative. In taking this decision, Hutchinson's overriding concern was to placate the moderates in the House and Council whose support he was in danger of losing following the revelations about his Crown salary. ⁶⁴

Hutchinson was well aware of the fact that the moderates and some of his oldest allies (including Israel Williams) were opposed to the idea of the Governor being made "independent" of the people and their representatives. ⁶⁵ Moreover, said Hutchinson, in the summer of 1772, "the friends of government in general pressed me to some expedient" and urged him to return the Court to Boston in an attempt to assuage the growing number of critics. At first, Hutchinson "gave them no encouragement." ⁶⁶ But after a few days, he consulted with the Council and laid before the members all the instructions and addresses relevant to the dispute on the removal of the assembly. To his relief, the councillors agreed unanimously that the House had now ceased to question the King's authority to instruct his Governors. They made no comment or objection relating to the contents of the House's last address. ⁶⁷ On June 13, in the same breath that he admitted he was in receipt of a Crown salary, Hutchinson adjourned the General Court to Boston. ⁶⁸

Soon after the assembly convened at Boston, Hutchinson's hopes of winning the allegiance of the majority of members over the salary issue were quickly dashed.

On July 3, the House approved a report berating the Governor for accepting the Crown's award. It was prepared by a committee of radicals (Sam Adams, Joseph Hawley and John Hancock, now/

now reconciled with Adams). The report contained four resolutions, the first of which asserted that Crown salaries for senior executives in the provincial administration were an "infracton" of the legislature's prerogative to provide financial support for the Governor and other officials. Hutchinson was informed that the House would vote the usual annual sum in respect of his salary.⁶⁹

The Salary Controversy re-united the Whig leadership and divided the moderates. When the first resolution was discussed by the members

between thirty and forty voted against it and seventy odd in favour of it. The minority was the best part of the House in the general esteem of the people. Several of them thereupon absented themselves from the House not thinking it worth while to attempt any thing against the rest of the proposed Resolves after the principal point had been carried.⁷⁰

Seven days later, the House voted 85 votes to 19 in favour of recording the resolutions in the House Journals.⁷¹ (Unfortunately, we cannot put names to the division.) Hutchinson reflected on the failure - as he saw it - of the moderates to trust in his leadership and concluded that he had "not known a more ordinary performance". The political situation in the House was as grim as it had been in 1765-1766.⁷²

Once again, Hutchinson blamed his lack of support from the moderates on their fear of proscription by the Whigs and town meetings and of being associated with unpopular policies and ideologies. But he also realised that he himself had become a supreme political liability to the friends of government. In 1765 and 1766, moderates and neutrals may have been satisfied with Hutchinson's and Bernard's denials that they had anything to do with the introduction of the Stamp Act. Now, of course, /

course, Hutchinson could expect little consolation if he was to assert that the Crown salary had been forced upon him against his wishes. He was, in the end, placed in a situation where he had to justify his actions to men whose distaste for an expanded colonial civil list precluded any offer of political support, even though Hutchinson had met some of their other demands by returning the assembly to Boston.⁷³

In the aftermath of the votes, Hutchinson made a gross, vacuous error of political judgment. To him, the divisions were out of step with the pattern of politics of the past two years. He saw no reason to change his opinion that tranquility¹ would prevail when the radicals in the House had been subdued, by whatever means possible, on the basis of this one recent, untypical incident. The resolutions sprang "from an unhappy deluded set of Men intimidated by a few among them";⁷⁴ whereas "the body of the people are less unfavourably disposed to government and especially to me personally that they have been for 7 years past."⁷⁵ Hutchinson calculated erroneously that nearly 100 representatives (out of a total of 129) would have voted against adopting the resolutions and entering them in the Journals had not doing so entailed the threat of being "branded as Tories and left out of the House next year."⁷⁶ Never before had either Hutchinson or Bernard commanded the almost unanimous support of the House; nor would Hutchinson have been likely to acquire it on such a contentious issue.

Hutchinson was convinced that if he reassured the moderates of his true intentions in taking the Crown award then they would not desert him entirely and could, perhaps, be won over to his point of view. He took a leaf out of Bernard's book and decided to make an "argumentative speech" to the assembly. It was not something Hutchinson relished, or a political tactic that he approved of. He had warned Bernard often against such/

such ventures because they could be counter-productive: the Governor stood an equal chance of alienating some members as he did of attracting their support; the clearer he made his position on any particular issue, the easier it became for the radicals to turn his arguments against him and "pervert" the minds of hitherto friendly members. Nevertheless, Hutchinson believed that he had to take extraordinary steps to counter the contentious, extremist doctrines set forth in the July resolutions and persuade the representatives of his rectitude in accepting a Crown salary. And, as always, whatever action he took against the radicals and the Whig protest movement would go a long way to averting reprisals from the British Parliament.⁷⁷

The speech Hutchinson delivered to the General Court on July 14 was designed to achieve the maximum effect possible. It was in essence, like Bernard's address to the assembly of September 25, 1765, an attempt to provide both a political and an ideological focal point for the opposition to the radical Whigs. Hutchinson drew heavily on his own ordered, conservative-liberal political philosophy. He dissected and examined Tory doctrines and covered them with a popular Lockean gloss until they formed an intellectually coherent pattern that others could follow easily and be inspired by.⁷⁸

For Hutchinson, the resolutions contained a number of false suppositions that threatened "to alter the constitutional dependence" of Massachusetts and the colonies upon the crown and the King-in-Parliament. The assertion of the House that it possessed a right to support the Governor challenged the sovereignty of Parliament to make laws binding on the province. It was fallacious to conceive the Charter to be a "pacta conventa... or covenants settled by treaty between two independent states", when in fact it did not contain any provision of legislative powers/

powers of self-government that were independent of the supreme authority of Parliament within the empire: an imperium in imperio could not exist in one state. Hutchinson also made an oblique reference to the war with Spain over the Falkland Islands and reminded the members that the colonies were heavily dependent on Britain for military protection and that it was the duty of all Americans to contribute toward the cost of this defence. The House was "equally unfortunate" in its notions of the balance of powers in the constitution. It was the "concurrence of all the branches" - the King, Lords and Commons - and not so much their rigid separation, that made for the excellence of the British system both in Great Britain and the colonies. A Governor in the pay of the Crown would not alter substantially this arrangement, for the same historic checks and balances on the power of each branch would continue to exist. Indeed, the executive would be emancipated from one unfair aspect of control and influence possessed by the legislature. "Is it not reasonable"?, he asked, that the Governor "should be entitled to the like share of the freedom and independence, in the exercise of his judgment with the other branches?"

After he had delivered the speech, Hutchinson prorogued the assembly and settled down to assess the impact of his discourses. ⁷⁹

3. Hutchinson, the Friends of Government, and the Salary Controversy, 1772-1773.

Hutchinson was unable to silence his critics in the Boston press. His efforts to attract supporters were severely damaged when the dispute over his Crown salary took a new twist in late September, with the news arriving in Boston that the Judges of the Superior Court, the Attorney-General and the Solicitor-General/

General were also to receive awards.⁸⁰ The new arrangements were approved by William Legge, Lord Dartmouth, who succeeded Hillsborough as American Secretary in August.⁸¹ The Whigs, however, mounted an ultimately successful campaign to prevent the Judges from retaining their awards, in which they were able to stifle the opposition provided by the friends of government and Governor Hutchinson.

Sam Adams and the Boston radicals "thought it proper to take, what the Tories apprehend[ed] to be, leading steps" in organising the resistance to this latest attack on their liberties.⁸² When Hutchinson rebuked the Boston town meeting for asking him to confirm reports concerning the awards made to the Judges, an extraordinary meeting was called for November 2. It was decided to appoint a twenty-one man committee of correspondence to elicit support from the other towns of Massachusetts and towns in other colonies. Initially, Hutchinson underestimated the importance of this new body; it was, after all, only one of the many quasi-political organisations used by the Whigs. But the committee soon became the most influential of any of these bodies as it managed to co-ordinate the resistance movement's activities in the House of Representatives, Boston, other towns and other colonies.⁸³

One of the first tasks of the Boston committee of correspondence was to prepare three important documents for publication: "The State of the Rights of the Colonists"; its appendix "The Enumeration of the Violations of our Rights"; and a "Letter of Correspondence" to the Massachusetts towns. These documents were approved by the town meeting on November 30, and together were distributed to all the towns and districts in the province. Known popularly as the "Boston Pamphlet", its formal title was The Votes and Proceedings of the Town of Boston.⁸⁴

The "Boston Pamphlet" did not contain any new theory
or/

or analysis of colonial rights. It reiterated the basic principles of Whig constitutional-political thinking from the time of John Locke as they applied to the colonists' grievances with British policies, 1764-1772. By accepting Crown salaries, the Judges and Governor would be breaking their contractual obligations to serve the people and their representatives in the assembly.⁸⁵ The Pamphlet also contained a paragraph justifying the use of anti-Toryism in the proposed campaign of defiance and resistance.⁸⁶ In asking the towns to submit their opinions on the Pamphlet, Boston did not request them to appoint committees of correspondence but instead "relied upon the force of example".⁸⁷

While the Pamphlet circulated through the province, the friends of government rallied support against the Boston radicals principally on the issues of whether or not their towns should approve this latest statement of their rights and liberties and appoint committees of correspondence. In general, Tories and dissident moderates remained silent on the rights and wrongs of the Judges' or the Governor's Crown salaries. As with the Stamp Act, they saw no reason to defend in public a measure to which they were opposed, even though they saw again the necessity of defending British authority. Samuel Adams's associates relayed information to Boston stating that "even the Tories [by which was also meant the dissident Whigs]...exclaim against the Independency of the Judges."⁸⁸

At Cambridge on December 14, councillor William Brattle "spake...very freely" on the Boston Pamphlet. He warned his neighbours that they were "too premature in acting upon this Matter, at present." Brattle "was not alone in this Sentiment". As a solution to the controversy, he proposed that the General Court should increase the Judges's salaries "suitable to the Dignity and Importance of their Station". With/

With an adequate income provided by the province, the Judges would surely decline the Crown's award. The proposal was rejected by the people of Cambridge,⁸⁹ although it was also made by friends of government elsewhere.⁹⁰ Brattle did not approve of the Crown's provision for the Judges, but was looking for a way to avert conflict with Britain over this latest reform of the colonial system. In a series of letters written to John Adams and published in the press, Brattle argued that, in accordance with existing constitutional theory and law, it was impossible to say for certain whether the Crown salaries were conditional on the Judges' "good behaviour", as Adams and the Whigs believed, or whether they were made for the duration of their appointments.⁹¹

The efforts of the friends of government throughout the province were geared to convincing the moderates to abandon the radicals and ignore their call to resist British authority. "Q.E.D." maintained that the refusal of wealthy merchants John Hancock and William Phillips, and the Speaker of the House Thomas Cushing to serve on the Boston committee of correspondence was evidence of a growing distaste for political extremism.⁹² Twenty-nine inhabitants of Marblehead, including Tories Thomas Robie and Jacob Fowle and moderates Jeremiah Lee and Robert Hooper, subscribed to a protest denouncing the "irregular" proceedings of the town meeting of December 8 in voting its approval of the "Boston Pamphlet" and appointing a committee of correspondence. The protesters were "apprehensive that this town will incur a great degree of public censure" by its recent actions.⁹³ A "number of Freeholders" of Roxbury also declared their opposition to the Pamphlet and the Boston committee in their town meeting.⁹⁴ Peter Oliver reported that the people of Bridgewater, Taunton and Middleborough were much divided in sentiment,⁹⁵ although the first two later voted their approval of the Pamphlet. In Littleton, Jeremiah Dummer Rogers urged the people to reject Boston's ideas and committee, but he was overruled and the town chose its own committee.⁹⁶ These were isolated incidents where the/

the friends of government were able to delay but never prevent the adoption of the "Boston Pamphlet" or the appointment of local committees of correspondence. Thomas Hutchinson estimated that by the new year around eighty towns had considered the Pamphlet and "declared against the supremacy of Parliament by adopting the resolves of Boston or by express resolves of their own." 97

To Hutchinson, the "Boston Pamphlet" was plainly seditious. It contained "many Principles inferring Independence" which convinced him of the necessity of "immediate[ly] interposing". 98 He called the General Court together for January 6. He again overcame his aversion to making "argumentative speeches" in an effort to inspire the moderate representatives to desert the radicals and the Whigs who had already endorsed the Pamphlet. He thought "a calm and dispassionate State of the case...would have a good effect with many of the people who I knew were every day through the unwearied pains of the Leaders of [the] Opposition made Proselytes to these new opinions in Government." 99 Hutchinson's course was plotted with the approval of his advisers (probably Andrew Oliver, Peter Oliver and Thomas Flucker), who believed that his speech

would be of great service by opening people's eyes and that it would have a lasting effect further to expose the absurdity of the strange principles in government which the greater part of all orders of men seem to have embraced through an unaccountable infatuation. 100

Hutchinson was no barrator. His speech, though much longer than was usual, was concise and to the point: it was like a schoolmaster's lecture. He stated his case forcefully, never pausing to examine in depth the doctrines he espoused or those of the Whigs he chose to mention.

He began with the settlement of the colony by the Puritans. "It/

"It was the sense of the kingdom, that they were to remain subject to the supreme authority of Parliament" when Charles I issued the colony's first charter of government. The Boston resolves, he interjected, denied that supremacy and promoted ideas "repugnant to the principles of the constitution". The rights of Englishmen, he continued, were not the same in all parts of the empire. But this did not infringe upon the colonists' natural rights: it was one case from every day life where people were required to submit to restraints upon their liberties in order that government could function properly. At bottom, however, Hutchinson knew "of no line that can be drawn between the supreme authority of Parliament and the total independence of the colonies." As he had already said, "it is impossible [that] there should be two independent Legislatures in one and the same state." Nor could Hutchinson agree with the Whigs that the "mere exercise" of Parliament's supremacy, whether in matters of taxation or otherwise, justified resistance to Britain. Most moderates and Tories would have agreed with him when he stated that objections to a specific act of Parliament were not "sufficient ground for immediately denying or renouncing the authority [of Parliament], or refusing to submit to it." The address restated the Tory doctrine that resistance to Parliamentary authority was productive of social and political discontent, which could be prevented if people were prepared to endure the implementation of offensive acts whilst petitioning for their repeal. ¹⁰¹

The Council's reply was delivered on January 25. It had been prepared by James Bowdoin and accepted without demur by the other councillors. ¹⁰² According to Hutchinson, while "disavowing in express terms Independence on [of] the Parliament", it contained doctrines which "seem to infer it". ¹⁰³ From the Council's point of view, Hutchinson entertained the idea that Parliamentary authority in the colonies and the empire was "unlimited", when in fact its exercise was limited by a number/

number of considerations; not the least of which were their natural and constitutional rights to consent to legislation passed by Parliament that concerned them. The Board also countered Hutchinson's Tory logic by stating that in the past ten years the disorders in the province had never threatened the foundations of government or the structure of society, but were instead an "effect" of an "original cause" - namely, Britain's attempt to deny Americans the full exercise of their constitutional and political rights.¹⁰⁴

The House's reply was prepared principally by Sam Adams and Joseph Hawley, and was a more radical document than the Council's. Worried that support for the Massachusetts Whigs was dropping off in other colonies and alarmed that Hutchinson might attract support from the moderates in the House, the radicals issued a clear statement of their views regarding the supremacy and authority of Parliament in the colonies: all interested parties would now know where they stood.¹⁰⁵ When the first charter was drawn up, Hutchinson was informed, New England had not been annexed to the realm. Therefore, the colonists were not subject to the sovereignty of Parliament when they were granted powers of self-government by Charles I, "the power and authority of Parliament, being constitutionally confined within the limits of the realm, and the nation collectively." Hutchinson's reasoning was erroneous for it "puts it in the power of Parliament to bind us by as many laws as they please, and even to restrain us from making any laws at all....[The] consequence is, either that the colonies are the vassals of the Parliament, or that they are totally independent".¹⁰⁶ Both the House and Council, concluded Hutchinson, were now prepared to challenge the doctrine of Parliamentary supremacy in the colonies "upon such principles and such reasoning as must bring great dishonour upon them."¹⁰⁷

The House and the Council embarked on a course of confrontation with Governor Hutchinson over the Salary controversy and the wider/

wider question of Parliamentary supremacy in which few dissentient voices were heard.

The usual grants to the executive officers and the Judges of the Superior Court had already been made by the House with the Council's concurrence.¹⁰⁸ When Hutchinson refused to assent to the bills, Secretary Flucker was called before the House. He told the members that Hutchinson had approved all the grants except those to the Judges. On February 3, in response to an enquiry from the House, Hutchinson delivered a message stating that while he knew that Crown salaries would be distributed to the Judges, he had, as yet, no knowledge of when the payments would be made.¹⁰⁹

At first, it would seem that Hutchinson was determined to avoid a confrontation with the House. He had no plans to make another "argumentative speech" until the end of the session, if at all. "But the few friends of Government pressed me...to it by urging that if I gave no opportunity for considering the [House's] reply [to his speech of January 6] the construction among the people would be that I was afraid of their remarks upon the reply."¹¹⁰ Accordingly, on February 16, Hutchinson delivered a long address to the assembly in which he examined point by point the replies to his speech, and warned the members that their addresses gave encouragement to those desiring the independence of the colonies.¹¹¹

Hutchinson's latest discourse had little effect on the opinions of the majority of representatives. On the 19th, the Judges' salary bill passed the House in a revised form, with increased payments for the Judges. Hutchinson again withheld his assent, for not to have done so would "carry with it the strongest Appearance of counteracting the King."¹¹² In retaliation, the House approved a series of resolutions on March 3 condemning the Crown's provisions for the Judges as unconstitutional.¹¹³ Soon after, Hutchinson ended the/

the session with another speech cataloguing "a few plain fundamental Principles of Government which carry within themselves such Evidence as cannot be resisted".¹¹⁴ An intellectual impasse had been reached with the Governor and his advisers defending the legislative supremacy of Parliament in the colonies, and the radicals in the House asserting that such a notion of unlimited sovereignty was inconsistent and incompatible with their interpretation of the colonists' political and constitutional rights. The ideological middle ground was fast disappearing.

Hutchinson made few friends from his exchanges with the General Court. On May 28, the House voted on the suggestion of the Virginia House of Burgesses that a standing committee of correspondence be appointed by each of the colonial assemblies. This latest effort to organise intercolonial resistance was opposed by only four representatives: Abijah White, Thomas Gilbert, Jeremiah Learned and John Murray.¹¹⁵ Hutchinson was also unsuccessful in his attempt to inspire a conservative-moderate backlash against the Whigs in the towns over the "Boston Pamphlet", the committee of correspondence and the resolves of the House. By April, 119 of the province's 260 towns and districts had responded to Boston's enquiries; 25 more would do so in the next five months. The overwhelming majority expressed their support for the Boston Whigs and rejected the authority of Parliament to tax them and the authority of the Crown to pay the Superior Court Judges.¹¹⁶ Tory and moderate opposition to the Whigs was isolated and sporadic during 1773, as it had been in 1772. Middleborough, the home of Peter Oliver Sr., and Springfield, represented by John Worthington, were two towns that repudiated the Pamphlet.¹¹⁷ In Barnstable, the town's representative, Edward Bacon, gathered much support to prevent the formation of a local committee of correspondence.¹¹⁸ But there was no widespread or co-ordinated opposition to the Whigs from the friends of government.

Hutchinson was one of the last observers to realise that
the/

the moderates hitherto loyal to the protest movement could not be won over by the rallying call of the doctrine of Parliamentary supremacy. Tories and most of the moderates who had already broken with the Whig leadership accepted and endorsed Hutchinson's views; but not the others. After seven or eight years of political, ideological, social, economic and constitutional conflicts, in which the moderates in general never questioned the inviolability of Parliamentary sovereignty, they were now being told that their defence of the colony's right of self-taxation and their opposition to the Crown's provisions for the Judges and Governor were disloyal and potentially subversive of all bonds that tied them to the Mother Country. The moderates in the assembly and towns did not necessarily reject Parliament's superintending authority and supremacy, but ^{they} did nothing to oppose the radicals who were intent on asserting Massachusetts's legislative independence. Once again, it was clear that political action on behalf of the government did not materialise in response to the ideological divisions that prevailed in the province.

4. The Political Destruction of Thomas Hutchinson.

The Earl of Dartmouth and the North administration viewed the scene in Massachusetts with increasing consternation. Dartmouth was worried that Hutchinson's "argumentative speeches" to the House over the salary issue had exacerbated the conflict with the colonies. In late February, Hutchinson received a letter from Dartmouth dated December 9, 1772, from which he deduced that the British government tacitly approved of his strategy of confrontation. ¹¹⁹ It did not, however, and Hutchinson was commanded to desist from making "argumentative speeches" to the General Court. The instruction, according to Hutchinson's biographer, was a "fearful blow" to his morale; he/

he felt he had been betrayed by the ministry. Hutchinson hurriedly dispatched his apologies to Dartmouth along with a justification of his conduct.¹²⁰ Dartmouth further undermined Hutchinson's credibility when he by-passed official channels to send a "private and confidential" letter to Speaker Thomas Cushing expressing his concern at the "unhappy spirit of disunion and dissatisfaction" in Massachusetts and calling for peace.¹²¹

What little credibility Hutchinson had left was destroyed by the publication of his correspondence with Thomas Whately of 1767-1768, in which he had urged the reform of the structure of government in the colony to nullify the political power of the Whigs and recommended the arrest of the Whig leaders. These letters and others written by Andrew Oliver, Charles Paxton, Nathaniel Rogers, Robert Auchmuty, and two Rhode Island Tories, George Rome and Dr. Thomas Moffat, had been acquired by the House's agent Benjamin Franklin who dispatched them to Thomas Cushing in December 1772. In the hands of the Whigs, the letters were political dynamite, and their contents enough to convince the majority of moderates that the Governor fully intended to support moves to abridge their Charter rights and privileges.¹²²

Cushing laid the letters before the House on June 2. (Their contents were already common knowledge among the Whig leadership.) After the public galleries were cleared, it was resolved by 101 votes to 5 that their "Tendency and Design" was to "overthrow" the constitutional arrangement. Hutchinson protested that the letters simply expressed his private opinions. But on June 16, the House, with the concurrence of the Council, passed a series of resolutions condemning Hutchinson's conspiratorial actions and drew up a petition to the King calling for the removal of both Hutchinson and Lieutenant-Governor Oliver. Only twelve representatives voted against the measures (5 Tories and 7 moderates). Copies of the letters and the resolutions were published in the/

the province newspapers and distributed to the towns by the Boston committee of correspondence. ¹²³

In Hutchinson's opinion, Sam Adams and "half a dozen or half a score" of Whigs had concocted this "barbarous conspiracy" to destroy his reputation. ¹²⁴ He realised how successful they were in doing this and also in turning the moderates against him for good. He thought it would be "to no good purpose" to engage in a lengthy defence of himself and his ideas. The resolves passed by the Council he considered the "most injurious", for they brought to an end his working relationship with the Board. ¹²⁵

* * * * *

Thomas Hutchinson recognised more than most observers the deep ideological and political divisions that existed in Massachusetts and how the return to political stability greatly depended on his attempt to bring together in an anti-radical coalition the Tories, dissident moderate Whigs and moderates hitherto loyal to the Whig cause. His main objective was, and continued to be, "to reconcile to each other the friends of government and those moderate opposers of it [the provincial government] who wish to see an end to contention upon reasonable terms." ¹²⁶ In 1771 and 1772, there were indications that the political bases for such a broadly based movement existed, not the least of which reasons were the defeat of the non-importation agreement and the desire of many Whigs to end the disputes between the Governor and the House. The ideological bases for such/

such a movement had emerged between 1765 and 1770.

But the radicals, ably led by the Boston committee of correspondence, engineered the political destruction of Thomas Hutchinson with the exposure of the Hutchinson-Oliver Letters in the summer of 1773.

Hutchinson's exoneration came from the hand of Lord Dartmouth, whose efforts to end the disputes had also undermined Hutchinson's credibility, and arrived in the autumn.¹²⁷

But thereafter, the Governor was a virtual bystander to the political developments around him. He had little influence over the moderates and the friends of government in the towns, and precious few supporters in the General Court. Only

10 per cent of friends of government were attracted to the Governor's cause by the issues of 1772-1773 (see Appendix A). The Boston Tea Party, however, produced a wave of anti-radical sentiment in the province and colonies in general and provided the friends of government with an opportunity to gather more supporters.

CHAPTER TEN: THE FRIENDS OF GOVERNMENT, 1774.

The Boston Tea Party and the introduction of the Coercive Acts by the government of Lord North in the spring and summer of 1774 polarised ideological-political opinion in Massachusetts and the colonies to the extent that the Tories and dissident Whigs were able to gather enough support to mount a significant challenge to the power and influence of the Whig leadership. Their failure, however, to end the dominance of the radicals in the towns and districts of the province, as had been the case in the General Court, 1765-1773, ultimately contributed to the demise of the Loyalist pro-British elements, for it denied them a popular political base on which to build a counter-revolutionary movement after the commencement of military hostilities at Lexington and Concord in April, 1775.

1. The Boston Tea Party and the Friends of Government, 1774.

By the end of 1772, the East India Company was in the midst of a financial crisis. Lord North's ministry intervened in its affairs and in May and June 1773 persuaded Parliament to pass the Tea Act and the Regulating Act. The Company was permitted to send supplies of tea to America free of all duties payable in England. This put the Company and its agents/

agents in a better position to undercut colonial merchants and smugglers of Dutch East India tea. As a matter of principle and expediency, the government refused to move for a repeal of the Townshend Duty of 3d per pound of tea payable in the colonies. (This also applied to the Company.) North and his cabinet had no intention of making any further concessions to the Americans after they repealed the other Townshend Acts in 1770. The revenue from the Tea Duty would also help pay the salaries of senior colonial officials. The Company selected firms in Boston, New York, Philadelphia, and Charleston to sell and distribute the tea, pay all duties and deduct a commission of 6 per cent from the profits. The Boston consignees were the firms of Thomas and Elisha Hutchinson, Richard Clarke & Sons, and Benjamin Faneuil Jr. and Joshua Winslow. They were all large importers of tea, and the first two firms were noted supporters of the government.¹

The first signs of opposition to the new arrangements were in New York and Philadelphia. The Whigs of both cities threatened to tar and feather anyone who consumed or retailed dutied tea. The New York consignees took heed of the warnings and resigned their commissions on November 28. Their counterparts in Philadelphia followed suit the next day. In neither case had the shipments of tea yet arrived.²

Throughout the dispute in Boston which culminated in the Tea Party, the main grievance of the Whigs was with the Townshend Duty and the principle of Parliamentary taxation. The North End Caucus on November 2 and the Boston town meeting three days later resolved to prevent all attempts to land or vend the East India Company's tea and proscribe as enemies to the country persons who would be foolhardy enough to counteract the wishes of the commonweal. The Boston committee of correspondence invited the co-operation of the committees and people of neighbouring towns, and together they plotted a strategy/

strategy of resistance.³ Until the tea actually arrived on Sunday, November 29, the Whigs concentrated their efforts on forcing the consignees to resign or give assurances that they would not handle the tea when it arrived. Newspaper articles, threats of violence and mob attacks on their property were tactics employed against the consignees, but without success.⁴ When the first tea ship, the Dartmouth came into the harbour, the consignees fled from Boston for their own safety.⁵ With the Dartmouth moored, its owner, Francis Rotch, or its captain, James Hall, had by law twenty days in which to pay the customs' duties (including, of course, the Tea Duty) or the vessel and her cargo would be liable to seizure. Henceforth, the efforts of the Whigs were directed at preventing Rotch, Hall or the consignees unloading the tea and paying the duties. A guard was appointed to watch over the Dartmouth. Two other tea ships arrived in the meantime: the Eleanor and the Beaver; the William¹ was wrecked on Cape Cod. On December 16, the day before the duties had to be paid for the Dartmouth, Francis Rotch and the captain of the Eleanor, James Bruce, finally agreed to return the tea to Britain and seek clearance from the customs house without paying the Tea Duty. They were refused clearance by both customs officers and Governor Hutchinson, and the guns of Castle William were turned to face the town and prevent an escape. On hearing this news from Rotch, the Body -some 5,000 strong - dispersed from Faneuil Hall and made its way to Griffin's wharf to witness the destruction of 90,000lbs of dutied tea, worth approximately £9,000, by a party of Bostonians dressed up as Mohawk Indians.⁶

The Boston radicals were unrepentant. Sam Adams, Josiah Quincy Jr. and John Adams were three of many who asserted that the tea might have been "saved" but for the stubbornness of the consignees and the refusal of the customs officers and the Governor to allow the cargoes to be returned to England.⁷ In March, the Bostonians destroyed another cargo of dutied tea brought/

brought in by the Fortune, which had no connection with the East India Company. By the end of 1774, "tea parties" had occurred in most other colonies where the Company traded.⁸

During the dispute, the Council had refused to come to the aid of the consignees.⁹ And in the aftermath, hitherto pro-government councillors sided against the government. John Erving and William Brattle joined the radicals in blaming the obstinacy of the consignees and the government for creating a deadlock that could be broken only by direct action.¹⁰ While they deplored the destruction of private property by the radicals, their hostility to the Townshend Duty and their fear of proscription can explain their acquiescence^c and reluctance to oppose the radicals and the town meeting, both during and after the dispute. The Council met at the home of William Brattle on December 21 and advised Hutchinson that the Attorney-General be directed to inquire into the incident. It was a hopeless task, for no witnesses could be found willing to testify against the "Mohawks" who destroyed the tea.¹¹ Isaac Royall, however, was sufficiently worried at the possible consequences of the Tea Party to send a letter to Lord Dartmouth praying for Britain to take "Lenitive, Pacific measures [against Boston] rather than warm coercive ones."¹²

Governor Hutchinson believed that from the outset of the dispute there had been a "concerted plan" to destroy the East India Company's tea if the consignees and shipowners did not comply with the demands of the Whigs. But with few exceptions, no-one in Boston seriously considered such action until the arrival of the Dartmouth, and then only as a last resort.¹³ Nonetheless, the Tea Party was one of the most important events in the advent of the War of Independence.

It convinced Tories and government officials that the province was on the verge of rebellion, as it had been during the crisis year of 1768.¹⁴ Such a line of reasoning - equating the/

the weakness of the provincial government to enforce acts of Parliament and protect citizens from proscription by the Whigs with the potential for a political and social revolution - had changed little since 1768-1770. Nathaniel Coffin concluded that "The foundation of this formidable [anti-government] power was laid at the time of our non-importation Plan...when our merchants gave up the direction of their Commerce to the People, by a number of Artfull Leaders under the mask of Patriotism." ¹⁵ The Tories believed that this most recent outrage, the Boston Tea Party, involving as it did the destruction of private property, would, unlike the Stamp Act Riots when people were too scared to make their views public, provoke a popular conservative-moderate backlash against the Whig leadership and the Boston radicals in particular. At the same time, the Tories wished the British government to take punitive action against the radicals responsible for organising the Tea Party and the other disturbances over the years. A few approved the retention of the Tea Duty as a punishment of sorts, and maintained that it would be unwise for the North administration to make further concessions to the Americans' demands at this stage; ¹⁶ in this, they differed markedly from the majority of friends of government, who soon made it clear that the repeal of the Tea Duty was essential to the ^trestoration of good relations between Britain and the colonies.

For the first time since the controversies of 1768, the friends of government rallied considerable support in the Massachusetts towns from those who feared the Boston radicals and the consequences of their actions.

The first protest against the radicals was organised in Plymouth on December 13, ~~three~~ days before the Boston Tea Party. Led by Tories John Winslow and Thomas Foster, forty townspeople signed a paper condemning the town meeting for adopting the Philadelphia resolves against the Tea Duty and Tea Act six days/

days before. The protest held that the Philadelphia resolves were "repugnant to our ideas of Liberty, law and reason", particularly that clause which justified the proscription of the consignees and all persons who handled dutied tea. They applauded the efforts of those who, in contrast, "by constitutional and lawful means have endeavoured to hinder their proceedings and prevent the bad effects thereof, [and] have in this instance shewn themselves to be firm friends to the freedom and true interests of this Country." The Plymouth protestors did not deny the colonists their right to engage in lawful protests over specific acts of Parliament, but they did reject entirely the Whig imposed authority that threatened to propel the colonies on another course of confrontation with Britain and bring civil and social disorder in its wake.

We do not think ourselves bound either in duty or gratitude to acknowledge any obligations to the body who composed that meeting [of December 7], nor to aid and support them in carrying their votes and resolves into execution, nor do we intend to hazard our lives and fortunes in their defence. But on the contrary We suppose it our indispensable [sic] duty (as the faithful and loyal subjects of his most gracious Majesty King GEORGE the third) to manifest our abhorrence and detestation of every measure which has a tendency to introduce anarchy, confusion, and disorder into the state, whether the same be proposed by Bodies of Men or by an individual. 17

Opposition to the Whig leadership from the friends of government also occurred in Boston. On December 21, the Body agreed on a resolution to suspend the sales of all tea imported from Britain and that smuggled from the Netherlands after January 20. A committee was appointed to collect the signatures of the "Principal dealers" in tea. The response indicated the distrust and suspicion with which the schemes of the radicals were being viewed. Only 51 of the 95 firms consulted agreed to/

to sign outright. The remainder either refused or stipulated certain conditions on which they would subscribe: among them were the dissident moderates John and Jonathan Amory, Samuel Eliot, and Gilbert Deblois, and the notorious importers William Jackson and Theophilus Lillie.¹⁸

Condemnation of the Boston Tea Party and the Boston radicals occurred throughout the province. Tories and dissident Whigs rejected the radicals' use of extra-legal intimidation and the violent destruction of private property as legitimate methods of protest. Protests from the friends of government appeared in Freetown, Pittsfield, and Falmouth.¹⁹ In Marshfield, on January 31, the town meeting approved by one vote a series of resolutions (known as the Marshfield Resolves), prepared by a committee of seven friends of government, declaring the Boston Tea Party to be "illegal and unjust, and of a dangerous tendency". It would almost certainly provoke retribution from Britain that "will effect our property, if not our liberties."²⁰ In March, twenty-six friends of government led by the wealthy lawyer James Putnam and the Tory John Chandler entered a protest in the town records of Worcester after their town had adopted the Boston resolutions against the Tea Duty and Tea Act and approved the "Boston Pamphlet".²¹

But nowhere were the friends of government able to take advantage of the rise in anti-radical sentiment to overthrow the Whig leaders. Faced with (unspecified) threats from the local Whigs, Barnabas Hedge, one of the Plymouth protestors, confessed he "was guilty of a great Error", and his recantation was published in the Boston Gazette of December 27 as an example to other opponents of the Whigs. Sam Adams was confident in the abilities of the Plymouth Whigs to extract submissions from the other protestors. "Between you and me," he wrote James Warren, "if the others whom they [the Tories] have press'd, or rather coaxed into their Service, have no more to say for themselves/

themselves that it seems he [Barnabas Hedge] has, the [government] Party have Nothing to boast of." ²² Thirteen protestors recanted on December 30, and by March all but twenty-three had publicly renounced their part in the protest. ²³

The intimidation of the Plymouth protestors set the pattern for dealing with the friends of government who defied the Whigs. According to Adams, henceforth "most of them will see their Error, and for the future be aware of the Artifices of those who have misled and deceived them." ²⁴ The Marshfield Tories and dissidents were more resilient however. The Whigs, led by merchant Anthony Thomas, drew up a counter-protest that was signed by fifty townspeople. But no proscriptions followed, and the town was the scene of bitter disputes between the two groups throughout 1774 and the early part of 1775. ²⁵ The friends of government in Boston, meanwhile, bided their time. Henry Hulton reported that "everyone is sensible of the power they [the Whigs] have assisted to raise...[and] feel the oppression, yet hardly any one dares to complain, or exert themselves to be relieved." ²⁶ The majority of Boston's Tories and dissidents were waiting for the North administration to lead the way in dismantling the power structure built up by the Whigs and produce a solution to the disputes between the colonies and Britain. ²⁷ It was not until they knew what that response would be that they emerged to challenge the radical Whig leadership.

The conservative-moderate backlash after the Boston Tea Party had little visible effect on the proceedings of the House of Representatives, where the dominance of the Whig party continued unabated. The radicals resurrected the dispute over the provision of Crown salaries for the Superior Court Judges. The previous summer, Treasurer Harrison Gray (who had been left out of the Council in the 1773 elections because of his moderatism) informed the members that the Judges had accepted only half the awards made by the province for the reason, given by all the/

the Judges except Edmund Trowbridge, that the rest of their salary for that year would be paid by the Crown. On hearing this, the House resolved that in future it was the duty of the Judges "explicitly to declare" whether they would be taking grants from the Crown or the province.²⁸ In the 1773-1774 session, the House voted increased awards to the Judges for the year ending January 1, 1774 and set aside February 3 for discussion of the Judges' conduct.²⁹

Trowbridge was the first to respond, with a letter to the House declaring that he had decided to accept the award made by the province and would reject that from the Crown. The other four Judges (Chief Justice Peter Oliver, Nathaniel Ropes, William Cushing, and Foster Hutchinson) were allowed until 10 a.m. on February 8 to reply.³⁰ Cushing, Hutchinson and Ropes (who died shortly thereafter) followed Trowbridge's example to the satisfaction of the House.³¹

Oliver, however, refused to give up his Crown salary and delivered a quite unexpectedly daring reply. His letter catalogued a judicial and governmental career (he had been on the bench since 1756) in which he had always been underpaid by the General Court, to the detriment of his personal and business finances. He had "repeatedly attempted" to resign his place on the Superior Court bench but had always been dissuaded by representatives who promised that he would eventually obtain relief. Thus, when he was granted a salary from the Crown for the period July 5, 1772 to January 5, 1774 his acceptance "proceeded from Necessity & not Avarice."³²

Consequently, on February 11, the House approved a petition to Governor Hutchinson calling for Oliver's dismissal from the Superior Court and the office of Chief Justice. (The Governor had the authority to dismiss a Judge if he obtained the consent of the Council.) Opposition to the radicals' proposal was/

was minimal. Ninety-six representatives voted in favour of its adoption, while only nine opposed it (Tories Elisha Jones, Thomas Gilbert, Josiah Edson and Abijah White and four moderates including Daniel Leonard.)³³ Three days later, Hutchinson was requested to seek the Council's advice on the question of adjourning the Superior Court due to meet on the 15th, for jurors had already let it be known that they would not serve in a court in which Oliver presided. Hutchinson ignored both the petition and the request. In the event, however, Oliver thought it best to stay away from the Court.³⁴

In a symbolic demonstration of its unity and power, the House voted itself into a committee, and on the 18th, the representatives en masse presented the Governor and Council with copies of the petition for Oliver's removal and other papers relating to the salary controversy.³⁵ Hutchinson had no intention of sacrificing one of his oldest friends and political allies and refused to discuss the matter with the Board. He justified his actions before the House on the basis of the Governor's discretionary powers to call the Council together for whatever purpose he chose and to veto bills passed by the lower chamber.³⁶

The House pressed on. On February 22, the members resolved that Chief Justice Oliver should be impeached for "High Crimes and Misdemeanours" (reducible to the charge of accepting a Crown salary), although the order for his removal had not been issued by the Governor-in-Council. The articles of impeachment, prepared by radicals Sam Adams, Robert Treat Paine and Joseph Hawley, were approved on the 24th by ninety-two votes to eight.³⁷ Hutchinson again refused to consider the House's request for Oliver's dismissal and this latest attempt to put him on trial.³⁸ Nevertheless, the articles were presented to him again on March 1. Once more, there was only a token opposition to the Whigs. Seventy-eight members were present when/

when the decision to continue with the impeachment was taken, and of these, seventy-one voted in favour. (The House also voted grants to all the Judges and civil officers except Oliver.)³⁹

The attempt to impeach Oliver came to naught, for the Governor simply refused to act on the petition and discuss it or the articles with the Council. But the votes taken in the House on February 11 and 24 and March 1 revealed how solid the radical-moderate alliance had become, albeit in an issue which concerned the fate of a prominent Tory. The House justified its proceedings on the basis of implied powers in the Charter, although for Hutchinson the whole affair was a charade based on a trumped up charge.⁴⁰ The moderates in the Council, however, (Brattle, Erving, Danforth, Russell, George Leonard Jr., James Gowen and Timothy Woodbridge) acquiesced in the Board's decision to declare its support for the House in this matter.⁴¹

The clamour from both moderates and radicals for the impeachment of Peter Oliver brought to an end a period that had begun promisingly enough for Hutchinson and the friends of government with a conservative-moderate inspired backlash against the Whigs following the Boston Tea Party. But the friends of government were unable to attract enough political support to end the dominance of the radical Whig leadership in Boston and the towns. Summing up, John Adams wrote that for "many years" there was "not Spirit enough on Either Side to bring the Question [of dominance] to a compleat Division." But now he rejoiced that "The Tories [by which he also meant the dissident moderates] were never...in such a state of Humiliation, as at this Moment."⁴² Clearly, the friends of government were a minority group in the towns, and numbered just a handful of the members of the House. On March 9, Thomas Hutchinson prorogued the General Court for the last time. He had been granted leave of absence by Britain. He intended to/

to visit Britain and make his report in person to the government and the King. ⁴³

2. The Friends of Government and the Response to the Coercive Acts.

News of the Boston Tea Party arrived in London on January 19 or 20. Beginning on the 29th, Lord North's cabinet held meetings continuing over several weeks to decide on what action to take in response. Attitudes of firmness and resolution typified the cabinet's discussions and came to determine its American policy. Ministers, whose information on the situation in Massachusetts was based largely on the reports sent by Governor Hutchinson, believed that a small group of radical conspirators had been the cause of virtually all the troubles. Such a view ignored the fact that the Boston Whigs commanded overwhelming popular support in Massachusetts and the colonies in general. But the basic assumption behind the ministry's proposals - the so-called Coercive Acts - was that the majority of colonists had little sympathy with Boston and would see the justification for punitive measures. Another view was that if the American "rebellion" was not crushed it would incite similar revolts elsewhere in the empire. ⁴⁴

The primary concern of the British government was to punish Boston and its inhabitants for their part in the destruction of the East India Company's tea. To most ministers, further concessions to the Americans were anathema: it was inconceivable that the Tea Duty and the Tea Act should be repealed in the light of renewed, violent resistance to British authority. Even the colonial Secretary, Lord Dartmouth, saw the necessity of punishing the Bostonians, although he had a reputation for favouring conciliating measures such as the repeal of the Townshend Duty on tea. ⁴⁵

The first of the Coercive Acts was the Boston Port Act, which received the royal assent on March 31. Boston harbour was to be closed to incoming vessels on June 1 and outgoing traffic on June 15. The customs house was to be removed to Plymouth, and the Customs Commissioners and the General Court were to conduct business at Salem. Fuel and provisions were to be allowed into Boston by an overland route from Marblehead. The act was to remain in force until the King was satisfied that the Bostonians had made full restitution to the East India Company and to those who had suffered in the riots of November and December 1773. No indemnity clause specifying the conditions of restitution was actually written into the act, and so nothing bound George III and the North administration to order the port to be re-opened. ⁴⁶

The second aspect of the government's programme was to restore and reinvigorate the authority of the provincial government in Massachusetts. To this end, it implemented some of the reforms suggested by Thomas Hutchinson, Francis Bernard and British officials in the 1760s. The Massachusetts Government Act, which passed Parliament in May, established a mandamus Council for the province. The Governor was given new powers to appoint Sheriffs and Judges of the County Courts, which before had been done with the consent and approval of the Council. Also, henceforth, jurors were to be selected by the Sheriffs instead of by the freeholders, and could be removed at the discretion of the Governor. Town meetings, where the power and influence of the Whigs loomed large, were to be restricted to one per year for the purposes of electing local officials, the permission of the Governor being required for all other meetings. ⁴⁷

The North ministry also engineered the introduction of the Administration of Justice Act. This measure enabled the Governor to send to England for trial government officials accused of crimes committed in Massachusetts, thus preventing the/

the repeat of such scenarios as the trial of Captain Preston. The Quartering Act, which became law on June 2, authorized the Commander-in-Chief of British forces in North America, General Thomas Gage, to seize unoccupied buildings for the accommodation of the troops if towns did not provide adequate barracks. This was to prevent the recurrence of the difficulties that Gage and his subordinates had encountered in Boston and New York during the 1760s, when the civil authorities refused to assist in quartering the troops. Finally, the Quebec Act of June 22, which granted freedom of worship to that province's Roman Catholics, although not strictly part of the administration's programme, was viewed as such by most of New England's anti-Catholic Congregationalists.⁴⁸

The North ministry also saw fit to replace Governor Hutchinson with General Gage. Gage reached Boston on May 13 accompanied by three regiments of troops.⁴⁹

Boston received full news of the enactment of the Port Bill on May 10 and copies of all the other Coercive Acts by mid-July.⁵⁰ To the distress of the Whigs, the Coercive Acts had relatively straightforward passages through Parliament.⁵¹ The colonists were reminded of an important lesson they had learned during the Stamp Act Crisis: petitions and remonstrances against grievous acts of Parliament were singularly ineffective methods of protest.⁵²

The Whigs could do little to prevent the execution of the Port Act, for the British troops and Royal Navy were deployed to enforce it. Nonetheless, they evolved a strategy of retaliation and resistance that was, in the end, successful in defeating the implementation of the other Coercive Acts.

At first, the Boston radicals pressed for the adoption of unilateral non-importation/non-consumption agreements in Boston/

Boston and the eastern ports. On May 12, the committees of correspondence of nine towns met and voted in favour of suspending trade with Great Britain and the West Indies from June 15. The Boston town meeting met the next day to consider this proposal. But after a long debate, the townspeople refused to endorse a unilateral embargo and voted to adopt the boycott on condition that other towns and colonies participated. Circulars were distributed to the Massachusetts towns and ports as far south as Philadelphia.⁵³ On the 18th, the Bostonians were informed that Salem, Newburyport and other towns would join the boycott "provided it becomes general through the continent". Although their proposal for an immediate boycott had not met with widespread approval, the Boston committee began to press the town's merchants to countermand the orders they had sent to Britain for fall goods in preparation for an embargo.⁵⁴

Most moderate Whigs in Boston acquiesced in the leadership of the Boston committee. At first, they supported a unilateral boycott.⁵⁵ But the dissidents, among them George Erving, led the attack on the radicals' proposal in the town meetings.⁵⁶

The dissidents agreed with the radicals and other Whigs that the Coercive Acts were unjust and a threat to their Charter privileges.⁵⁷ The Port Act, moreover, was a death knell to the town's economic recovery from the effects of the British Credit Crisis and the high rate of currency exchange by which wholesale merchants such as the Amorys had found it difficult to secure credit abroad.⁵⁸ The Amorys and others quickly moved their operations to Salem and ignored the committee of correspondence's directive to countermand orders for British goods. Furthermore, while they agreed with the radicals and the moderates over some aspects of the controversy, the dissident Whigs were determined to try and prevent the radicals from controlling and directing Boston's response to the Coercive Acts./

Acts. In their view, the radicals had precipitated the crisis when they destroyed the East India Company's tea and threatened to exacerbate the dispute by calling for the adoption of a unilateral embargo on trade with Britain.⁵⁹ Thus, to put an end to the controversy and avert commercial disaster, the dissident Whigs resolved on a compromise solution.

At the town meeting of May 13, John Amory suggested that Boston should compensate the East India Company for the destruction of its property. George Erving offered to contribute £2,000 sterling to the fund (nearly one quarter of the actual value of the tea) if others would join him.⁶⁰ According to the moderate Whig John Andrews, there were "many among us, who are for compromising matters, and put forward a subscription to pay for the Tea." Amory's motion, however, "was in general rejected, though he urged the matter much."⁶¹ Undaunted, at the end of the month a party of five men met privately with Governor Gage to inquire of the cost and method of repayment. Gage was equivocal and gave them no support, intimating that he and the British government would prefer to assist a formal application from the town meeting or the General Court.⁶²

Tories were heartened by the efforts of the dissidents to reach a compromise solution, and both groups came together on an anti-radical platform.

The Tories believed that the breakdown of governmental authority and the levelling of social distinctions would follow on from the radicals' calls for resistance to the Port Act.⁶³ But they simply could not get this message across to the public on their own and required the assistance of the dissidents. With the introduction of the Port Act, the Tories were once again placed in an unenviable predicament by imperial policies and circumstances over which they had no control. The majority/

majority did not like the Port Act any more than the Whigs. The closure of Boston harbour was not the solution to the crisis in British-American relations that they had in mind: the act made no distinctions of loyalty, politics or class, for it punished the innocent as well as the guilty.⁶⁴ It would have been a wholly artificial exercise for the Massachusetts Tories to have defended the Port Act in public and would certainly have alienated the dissidents and the moderates: any calls for submission to Parliamentary authority would have left them open to accusations from all sides that they were prepared to have the colonists endure the "despotic" schemes of the British government and the unbridled authority of Parliament whilst relying on British initiatives to repeal the Port Act.⁶⁵ The dissidents, however, came up with a more attractive plan of action.

The friends of government organised their growing number of supporters at the end of May. The occasions for a demonstration of their strength came with Thomas Hutchinson's departure for England, scheduled for June 1, and his replacement as Governor by General Gage. It was customary for the merchants and professional men of the province to present congratulatory addresses to a departing or incoming Governor on behalf of their respective interest groups. This time, the addresses served as a rallying point for the friends of government, for those persons loyal to the Whig cause refused to take part. They also acted as a substitute for the nigh impossible task of mounting an effective propaganda campaign against the Whigs.

An address to Hutchinson circulated throughout Boston in the last week of May and collected 123 signatures (representing between one-sixth and one-fifth of the town's voting population.) The subscribers expressed their "entire Satisfaction" in Hutchinson's conduct as Governor, although many such as Harrison Gray and John Erving Jr. had numbered among his political opponents in the past. The subscribers "greatly deplore[ed]" the "Calamities"/

"Calamities" that were "impending" with the closure of the harbour. They wished that the Port Act had been "couched with less Rigour" and its implementation delayed until the town had had the chance to make sufficient restitution to the East India Company. The addressers pledged their support to any scheme that would reimburse the Company as "Testimony against such lawless proceedings" as the Boston Tea Party in the hope that the British government would feel moved to effect the repeal of the Port Act. They urged Hutchinson to work for the relief of the town when he reached England, and this he did. The address was presented to the former Governor on May 30, the day after Admiral Samuel Graves had stationed nine ships in the harbour ready to enforce the act, and published in the Boston newspapers. ⁶⁶

The Whigs throughout the province denounced the addressers as sycophants and Tories. A full meeting of the Boston merchants on the 24th disavowed the subscription, and at Marblehead, when the names of the addressers were read aloud in the town meeting, they were "honoured with a general Hiss." ⁶⁷ Nathaniel Coffin and the Tories, however, were overjoyed at the response from Bostonians. "The Spirit of the [Whig Party] which has for so many years reigned triumphant here, begins to break." ⁶⁸

Hutchinson received similar addresses from 24 of the province's lawyers, 31 merchants and townspeople of Marblehead and 6 of his neighbours at Milton. Before General Gage left Boston on June 11 to attend the General Court at Salem, he too received a congratulatory address from over 120 Bostonians and a welcoming address from 47 inhabitants of Salem. Gage, like Hutchinson, was asked to promote the friends of government's proposal to compensate the East India Company and work for a repeal of the Port Act. ⁶⁹

The addresses to Hutchinson and Gage were signed by 239 different people. One-fifth of the subscribers (51 or 21.34 per cent) were Tories or persons who had come into conflict with the Whig leadership before 1774. Thirty-four Whigs were among the addressers, including moderates such as Joseph Green and Thomas Gray and many Sons of Liberty. However, for the time being, moderate councillors Samuel Danforth, Isaac Royall, William Brattle and John Erving remained aloof. The overwhelming majority of subscribers (188 or 78.67 per cent) were taking sides in public for the first time.⁷⁰ It was the first significant demonstration of public support for the Tories and the dissident Whigs in eastern Massachusetts since the conflict began in 1765. "A few months since," observed Nathaniel Coffin, himself an addresser, "such a Slip would have exposed the Addressers to every species of Indignity, and perhaps to Exile." Indeed, he continued, "had not their fear prevented them,...some hundreds more" would have signed the addresses.⁷¹ (See Appendix A.)

To be sure, immediate economic considerations of trade and commerce were powerful motivating factors for many of the subscribers: none would have relished the prospect of the port of Boston being closed and, doubtless, would have given their support to any scheme that sought to avert the impending distress. But by supporting such schemes as that suggested by John Amory, the addressers were declaring in public their faith in the politics of compromise and rejecting the political and ideological leadership of the radicals who preached resistance to British authority and advocated the proscription of dissenters.⁷² (Curiously, John and Jonathan Amory did not sign the Boston addresses, probably because they were in Salem on business.)

3. The Defeat of the Friends of Government.

With the friends of government gaining strength, moderate counsels were now heard in the Boston town meeting. The town finally adopted a limited non-consumption agreement instead of the unilateral boycott on trade with Britain as suggested by the radicals. The agreement covered only those items imported from Britain that could be "obtained among Ourselves", and did not include goods from the West Indies. The subscription, however, was shown to every family in the town. Subscribers pledged not to purchase anything from shopkeepers or merchants who persisted in retailing the listed goods.⁷³ Nonetheless, since the bulk of manufactured goods were imported into the colony, the agreement would have had little effect on trade with Britain.⁷⁴ The radicals' position was further weakened when, from the end of May, news filtered through of the responses of other colonies to their scheme for a total boycott on imports from Britain. Deep political, ideological, social and economic divisions in New York, Pennsylvania and Virginia were preventing local radicals from securing immediate approval for the embargo. Instead, over the spring and summer, most colonies resolved that a continental congress should be called to decide the vexed question of non-importation.⁷⁵ The Boston radicals, however, were not inactive and tried to force their proposals on the people of Massachusetts and eliminate their opponents from the political arena.

On June 1, the Boston committee of correspondence made a decision to act independently of the town meeting, to whose authority it was beholden. When, the next day, the province received word of the introduction of the Administration of Justice Act and the Massachusetts Government Act, the committee used this information as a pretext to push for the adoption of a unilateral non-consumption agreement, since the town had expressed support for restrictions on the consumption of British goods/

goods but shown little enthusiasm for non-importation.

On June 5, the committee circulated to the Massachusetts towns copies of the "Solemn League and Covenant" drafted by Dr. Joseph Warren without seeking the prior approval of the town meeting as was customary (though, perhaps, not mandatory, for the committee was an extra-legal association).⁷⁶ Previously, all schemes for the non-consumption and non-importation of British goods had been considered at either town meetings or merchants' meetings.

The Solemn League and Covenant called for the suspension of "all commercial intercourse" with Great Britain, beginning on August 31 and continuing until such time as Britain saw fit to repeal the Port Act and the other Coercive Acts.

As with previous boycotts, subscribers were instructed to desist from "trade commerce and dealings" with any person who sold or purchased British goods. In one swoop, the Covenant resurrected the threat of social, political and economic ostracism and intimidation for dissenters. It was an ambitious attempt to enforce an orthodoxy of opinion. Signatures were to be sought not only from shopkeepers and merchants, but, according to the committee's covering letter, from "all adult persons of both sexes" in every town and district in the province. Those who refused to subscribe were to be proscribed as "enemies" to their country.⁷⁷ One possible effect of the Covenant, if it was generally adhered to, would be to present the colony's merchants with a fait accompli regarding the adoption of non-importation: if the people of Massachusetts could be removed from the market in British goods, it would be futile for the merchants to continue importing through Salem or any other port.⁷⁸

Opposition to the Covenant materialised quickly in the capital. Merchants were alarmed at the prospect of being forced to accept a total embargo on trade with Britain. They complained bitterly of having to submit to the dictates of an extra-legal body.⁷⁹ Aside from being illegal, said "P.R.",/

"P.R.", the Covenant would endanger the repeal of the Coercive Acts.⁸⁰

George Erving began inquiring into the committee of correspondence's actions in by-passing the town meeting and solicited support among the moderate Whig merchants.⁸¹

Erving and the friends of government began to attract the interest of Whigs hitherto loyal to the leadership, including Samuel Barratt, Henderson Inches, Edward Payne and John Rowe.⁸²

John Andrews, for example, who had supported the idea of non-importation when it was suggested in May, now balked at the Covenant and the "cursed zeal" of the radicals in threatening the colony's traders with proscription.⁸³

The friends of government gained more adherents when news arrived in the second week of June that New York and Philadelphia refused to enter into any boycott until advised by a continental congress.⁸⁴

Not wishing to leave the market free to their major competitors and alarmed by the threat of proscription, more than eight hundred merchants, shopkeepers and tradesmen met on June 15 to consider the Covenant and its implications; many declared that they would not subscribe and wished to withdraw from the town's limited non-consumption agreement.

"Most of the considerate part of the Community", wrote Nathaniel Coffin, "began to think of nothing else than paying for the Tea and complying with the other Requisitions of the [Port] Act."⁸⁵

But the assembly could not reach a decision on whether to support Amory's scheme, for, according to John Rowe, they were "much divided in Sentiment."⁸⁶

The issue of repayment was effectively settled at the town meeting of June 17 when the friends of government were intimidated into silence and submission. Radicals rose to declare that anyone in favour of repayment was an "enemy" to their country, for in complying with the conditions of restitution they would, ipso facto, be endorsing Britain's punitive policy.⁸⁷

Harrison Gray alleged later that as the townspeople entered the town hall the merchants and tradesmen were threatened with retribution/

retribution if they voted against the Whig leaders.⁸⁸

Nathaniel Coffin, who did not attend the meeting, observed that by such methods the radicals "wrought an intire Change" in the attitudes of these persons. "Without one dissention", the meeting resolved "against paying for the Tea or taking any measure that might tend to soften the [British] Government, and to wait the Event of a General Congress."⁸⁹ The radicals won a vote on a motion instructing the committee of correspondence to write to the other colonies informing them of the town's decision to press ahead with a non-consumption agreement without waiting for the approval of the congress. No mention was made of the Solemn League and Covenant, but the vote was a tacit acknowledgment of support for the unilateral non-consumption agreement. The town meeting then adjourned to June 27.⁹⁰

The position of the friends of government was further undermined by developments in the General Court at Salem.⁹¹ On June 7, the Court appointed a nine man committee to report on the state of the province. Eight of the members were prominent Whig leaders, among them Samuel and John Adams, James Bowdoin, Thomas Cushing and Robert Treat Paine. These men spoke loudly in favour of resistance to the Coercive Acts and against making any compensation to the East India Company; non-consumption and non-importation of British goods, they reasoned, was the best strategy to follow.⁹²

The other member of the committee was Daniel Leonard, a lawyer and a moderate who represented Taunton. According to Robert Treat Paine, Leonard was a man of "natural good Sense & Eloquence, polite & of engaging Address." He wielded considerable influence in the House, particularly among the moderates who supported the Whig leaders, though Leonard was regarded as a friend of government. He "had changed his principles, & considered himself now at Market to make the best of them."⁹³

Paine and his associates feared that Leonard would inform Governor/

Governor Gage of their proceedings, and so hatched a remarkable plot to hoodwink Leonard. The Whig members of the committee met secretly without Leonard to plan the report that would be submitted to the General Court. But they also sat with Leonard at formal committee meetings. The charade lasted for three days and nights until the committee adjourned, and Leonard, accompanied by Paine, set out for a meeting of the Bristol County Inferior Court at Taunton, convinced that the other members of the committee discountenanced resistance to the Coercive Acts and favoured reimbursing the East India Company. With Leonard conveniently out of the way, the committee prepared a set of resolves urging the General Court to appoint a delegation to attend the continental congress when it met. The report was accepted on June 17, before Gage was informed of the proceedings and dissolved the assembly. It was also decided to call a provincial congress together for October, because Gage had given no indication of when the Court would be reconvened. ⁹⁴

The votes of the Boston town meeting and the General Court on June 17 convinced the friends of government that the only way to effect a compromise with Great Britain over the Coercive Acts and defeat the Solemn League and Covenant was to destroy the Boston committee of correspondence, the main power base of the radicals now that the General Court was not in session.

When the people of Boston met at Faneuil Hall on the morning of June 27, a motion was passed that the committee of correspondence lay before the assembly copies of all its letters to other colonies and towns written since May 10. In this way, the friends of government hoped to expose the duplicity of the committee members in circulating the Covenant and claiming erroneously that "thousands" had already subscribed to it. Before the debate began, the meeting was adjourned ^{to} the larger Old/

Old South Meeting House, where 5,000 people had gathered on the night of the Boston Tea Party - an indication that this was an assembly of the Body and not a regular town meeting.⁹⁵

The friends of government turned out in force. "There was nigh as many torys [friends of government]...as Wigs", observed Jonathan Williams, including Richard Lechmere, the Ervings, the Amorys, the Greens and the Hubbards - all determined on a showdown with the radicals.⁹⁶

At 3 p.m., the town clerk, William Cooper, began to read aloud the committee's letters. After a while, the patience of the friends of government gave way, and Cooper was interrupted by a speaker proposing that he proceed directly to reading the Solemn League and Covenant and the committee's covering letter which they had sent out to the towns. When Cooper had finished, one of the Amorys (almost certainly John) rose and delivered a "long speech" which he had prepared carefully beforehand.⁹⁷

Amory proposed "that some censure be now passed by the town, on the conduct of the committee of correspondence and that said committee be annihilated." It was "seconded by many Voices."⁹⁸

A few of the addressers spoke out against the committee, among them Thomas Gray, Francis Green, Ezekiel Goldthwait and Harrison Gray.⁹⁹

When Cooper read out the committee's correspondence with New York and Philadelphia, the addressers had been incensed to find themselves insulted and slighted as "traitors".

This "rais'd such warm emotions in their breasts, that nothing less than the committee's being annihilated would satisfy 'em."¹⁰⁰

John Amory's proposal was also supported by moderate Whig merchants who had not signed the addresses: Samuel Eliot, the Amorys' ex-business agent, Edward Payne, their brother-in-law, and Samuel Barratt. Eliot delivered a speech "in so masterly a stile and manner as to gain ye plaudits of... an almost universal clap." The reason why Eliot's speech was so appealing was that his own case paralleled that of other merchants/

merchants whose trading interests were placed in jeopardy by the Covenant and who feared proscription if they opposed the radicals. Eliot expected to receive a large consignment of goods from Britain which "he can't possibly...sell according to the tenor of the Covenant." The merchants of New York, Philadelphia and Rhode Island would benefit at Eliot's expense.¹⁰¹ Other Whig merchants, such as John Rowe and John Andrews, who were taken aback by Amory's open attack on the committee were, nevertheless, prepared to acquiesce in its abolition if it meant that the Covenant would be annulled.¹⁰²

Speakers in defence of the committee included Sam Adams, who relinquished the chair that he might participate, Joseph Warren, William Molineux, Josiah Quincy Jr., Thomas Young and Benjamin Kent.¹⁰³ All except Kent were members of the committee that Adams had helped to found in 1772 and that the friends of government set out to destroy.¹⁰⁴

The arguments raged until dark, and the meeting was adjourned to the next morning. When the votes were eventually cast later that day, Amory's motion was defeated "by a great Majority".¹⁰⁵ According to Nathaniel Coffin, "The Hands held up for the motion were ab[ou]t one fifth of those against."¹⁰⁶ We do not know the exact number who supported the proposal, for only 700 of the many thousands present could vote at town meetings; one-fifth would represent about 140 persons, 20 or so more than signed the Boston addresses to Hutchinson and Gage.

The victory for the radicals "occasion'd a general Hissing" directed at the friends of government who supported Amory, "which determined the minority to quit the Ground. They all went off in a Body." Their decision to leave the meeting, according to Coffin, was

an unfortunate manœuvre as it prevented
a motion that was intended to be made
for/

for a Committee to fall on ways & means to pay for the Tea. In this they would have been probably as successful as in their other motion, but it would have given the opposition an opportunity of protesting against their [the radicals'] proceedings in this important particular as they have done against their proceedings relative to the Committee [of correspondence]. 107

Evidently, the friends of government intended to introduce a motion calling for the town to sanction moves to reimburse the East India Company after they had won the vote to abolish the committee of correspondence. This proposal, as Coffin rightly noted, stood little chance of being adopted following the defeat of their first motion, and because compensation had been rejected by the town meeting and General Court on June 17. Nonetheless, had the friends of government gone ahead and tabled their second proposal, instead of walking out en masse, then they would have continued the meeting and provided another focal point of opposition to the Whig leadership for the anti-radical minority; there was always the possibility that more moderates would defect or that the radicals' silent detractors, such as John Rowe, would find the courage to speak out.

As it was, when the friends of government had left the Meeting House, the assembly passed a vote by a "vast Majority" praising the "upright Intentions" and "honest Zeal" of the committee of correspondence. The committee members were urged to "persevere" in their business "with their usual Activity & Firmness." The meeting was then adjourned to July 19. 108

After their defeat, the friends of government circulated a protest against the Solemn League and Covenant. The protest was an unequivocal rejection of political extremism and, in effect, an appeal to the moderates still loyal to the Whig leadership and non-aligned persons to join the anti-radical coalition. The Covenant was held to be of a/

a "most dangerous Nature and Tendency". It had been "clandestinely dispers'd" by the committee of correspondence and was calculated to ruin the colony's traders and force them, sooner or later, to accept a unilateral non-importation agreement. The "Dissentients" freely admitted that they were "gentlemen of different [political] Sentiments", but none could accede to any of the principles and ideas set forth in the committee's letters that were read at the meeting. Particularly obnoxious was the members' blatant anti-Toryism: they had "falsly, maliciously, and scandalously villified and abused the Character of many of us, only for dissenting from them in Opinion - a Right which we shall claim, so long as we hold any Claim to Freedom and Liberty." 109

The protest was signed by roughly the same people who had subscribed to the addresses. Eighteen people who signed the protest did not sign the address. It is likely that many of them were artisans such as George Lush, a tanner, or small traders who first questioned the leadership and policies of the radicals at the meeting of the Trade on June 15. 110 Nonetheless, it is clear that the friends of government did not win many adherents to their cause by their attack on the committee of correspondence, although many townspeople were sympathetic.

A second protest, known disparagingly as the "Little Pope", was drawn up on June 29. The seven merchants who subscribed did not sign the first protest: dissidents John and Thomas Amory, the moderates Edward Payne, Samuel Eliot, John Andrews and Samuel Bradstreet, and the previously uncommitted^t Frederick William Geyer. Their main objections were with the "secret manner" in which the committee of correspondence had operated and the decision to circulate the Covenant "without the Knowledge and Approbation of the Town." 111

Governor Gage acknowledged the efforts of the protesters on/

on June 29, when he issued a proclamation declaring that the Covenant was a "traitorous combination", and warned that subscribers or anyone promoting it was liable to be arrested. ¹¹²

While the friends of government made some headway in Boston, there was little support for them in the Massachusetts towns. "The Addressers and Protesters meet with a cool Reception in the Country", observed one Whig. At Norwich, Connecticut, an addresser was threatened with a carting if he did not leave the town immediately. ¹¹³ According to historian Richard D. Brown, while the towns in general reacted with "surprise and indignation" at the Covenant - only seven actually entered into a covenant - virtually all reaffirmed their faith in Boston's leadership and their participation in the protest movement. ¹¹⁴

Only in a few towns did the friends of government attempt to make inroads in ^{to} the power of the Whigs. It was reported that during the May elections Dr. Isaac Winslow of Marshfield and Elisha Jones of Weston used bribery to try and win seats in the General Court; Jones was successful. ¹¹⁵ One Whig wrote to the proprietors of the Boston Evening Post claiming that Peter Oliver was organising a protest against the Boston Covenant and committee of correspondence in his home town of Middleborough. ¹¹⁶ In nearby Plymouth, local landowner Edward Winslow and "a few Insignificant Tories" (according to James Warren) appeared at a town meeting and "played their Game by holding up the Terrors of the Governor's Proclamation [of June 29]". But the Whigs had "little to fear" from this exercise, and the town adopted the Boston Covenant on July 1. ¹¹⁷ In Deerfield, Rev. Jonathan Ashley organised "tea parties" in defiance of the Covenant, and enraged Tories cut down the town's Liberty Pole. ¹¹⁸

The most significant demonstration of anti-radical feeling was in Worcester, a town where the friends of government had rallied/

rallied against the Whigs' for voting their approval of the "Boston Pamphlet". On May 20, a town committee presented to the town meeting a set of instructions for their representative, the Whig Jonathan Bigelow, that was an explicit endorsement of the Boston radicals' policies: Bigelow was told to support moves to resist the implementation of the Port Act and oppose any proposal to compensate the East India Company. The instructions were approved by the town. But the friends of government tried to gain a reconsideration of the vote. A petition signed by forty-three freeholders was handed to the selectmen on May 30 requesting them to call a town meeting for that purpose. The petition asked for an examination "into the proceedings and conduct" of the local committee of correspondence and declared that the instructions given to Bigelow were intended "to serve seditious purposes". A meeting was set for June 20. (During which time, the committee of correspondence edited and revised a copy of the Solemn League and Covenant, which they distributed to towns throughout the province.) But the vote of May 20 was not overturned. The friends of government, organised by the Chandlers and Putnams, drew up a protest that was signed by fifty-two people and entered secretly in the town records. (The town clerk was a Chandler.) 119

Like the Boston friends of government, the Worcester protestors expressed their "deepest concern for public peace and order", following the exposure of the "crafty and insidious practices of some evil-minded persons." They also blamed the local committee of correspondence for inciting the common people to resist British authority and spend^{ing} "their time in discoursing of matters they do not understand". 120

* * * * *

The events that took place in Boston on June 27 and 28 were among the most important of the American Revolution. The dissident Whigs had set in motion a campaign to destroy the right arm of the radicals' political machine - the Boston committee of correspondence - in an attempt to reach a compromise with Britain over the repeal of the Coercive Acts. There were ideological differences of opinion within the anti-radical minority, as the protestors against the Solemn League and Covenant were at pains to point out, but what they had in common was a political purpose, a desire to end the crisis in British-American relations by pursuing an alternative course of action to the radicals' strategy of resistance designed to placate the North administration. To achieve their goal, they had first to destroy the power of the radicals. It was a tall order. As always, the success of the dissidents' schemes depended on their ability to attract the support of the majority of moderates who remained loyal to the Whig leadership and to inspire persons who had taken no part in earlier conflicts to take sides on this issue. But few Whigs defected to their cause. More encouraging was the fact that nearly 80 per cent of the addressers to Hutchinson and Gage were declaring their allegiances for the first time. Altogether, the friends of government numbered some 600 persons, but they were still too weak to defeat the radicals. Their failure at a critical juncture in the dispute with Britain left the radicals and their allies in an unassailable position to continue and expand their plan of resistance to Britain which involved the proscription and intimidation of all political opponents. Boston and the province in general, wrote one Tory, was now a "gloomy place", for the people were "divided into...parties, at variance, & quarrelling with each other, some appear desponding, others full of rage." 121

CHAPTER ELEVEN: LOYALISM AND THE FRIENDS OF GOVERNMENT.

From the summer of 1774, Americans were confronted with a steadily narrowing range of political choices. The dispute between Britain and the colonies took on the appearance of a civil war when, following the commencement of military hostilities, Americans let their allegiances be known and divided into Loyalists, Patriots and neutrals. The main task of this chapter is to trace the part played by the friends of government in the Loyalist "movement" in Massachusetts. We must provide an explanation that can account for the particular weakness of the Loyalists in that colony.

Loyalists were found in each of the thirteen colonies that became the United States of America. More than 19,000 colonists joined the Loyalist regiments that were set up by the British and leading colonials during the War of Independence. Over 100,000 Loyalists left America and settled in the Canadas, Nova Scotia, Great Britain and the West Indies. The Loyalists formed about 16 per cent of the total population of the colonies (or 513,000 of 3,210,000 based on figures for 1783.)¹ In each province they were outnumbered by the Patriots. The Loyalists were probably most numerous in Georgia and South Carolina, where they formed between 20 and 40 per cent of combatants, and in New York where they were some 15 per cent of inhabitants. Major seaboard towns occupied by the British during the war, including New York, Philadelphia, Charleston and/

and Boston, contained greater numbers of Loyalists than did the rural interiors of the provinces in which they were situated. ²

Massachusetts was one colony where the Loyalists were weak, though it had witnessed growing opposition to the Whigs since 1765. The colony's 1,427 adult male Loyalists formed just 1.89 per cent of the white adult male population (see Table 9). They were scattered throughout the province in 157 of its 260 towns and districts. But nowhere did they constitute a majority of the local population. Only in Boston and the frontier town of Jericho (renamed Hancock in 1776) did they comprise significant proportions of adult males, around one fifth and one-third respectively. Appendix D shows that 66 per cent of towns in which Loyalists were found (103) contained less than five Loyalists.

The numerical insignificance of the friends of government in 1775 (they represented 0.96 per cent of adult males) and the foregoing and following accounts of the political and ideological conflicts in the province hold the keys to explaining the weakness of the Loyalists in Massachusetts. Firstly, in their call for resistance to the Coercive Acts, the Whig leaders won the active and tacit support of the majority of New Englanders and Patriots in other colonies, and with this popular backing were able to bring about the collapse of British imperial authority in all parts of the province except Boston. Consequently, the Patriots assumed the de facto control of government in the countryside and towns. Thus, secondly, while the friends of government were ideologically disposed to defending the colonial regime and British authority only half the total number in the colony were prepared to take an active part in the struggle against the Patriots. Many were reluctant to fight for Britain's interests against such overwhelming odds or run the risk of proscription and intimidation. Thirdly, the friends of government and Loyalists in general did not offer Americans a/

TABLE 9: THE DISTRIBUTION OF THE FRIENDS OF GOVERNMENT AND THE LOYALISTS.

County	Adult Males	FOG	% ⁺	% of Males	Loyal FOG	Non-Loyal FOG	Exclusions	Loyalists	% ⁺	% of Males	Loyal FOG/ Loyalists Differential	Percentage Increase
(Boston)	2,664 [*]	236	32.55	8.86	176	53		507	35.53	19.03	331	188.06
Suffolk	8,511	270	37.24	3.17	195	66	9	566	39.66	6.65	371	190.26
Plymouth	6,614	88	12.14	1.33	52	36		117	8.20	1.77	65	125.00
Middlesex	9,140	54	7.45	0.59	28	26		84	5.89	0.92	56	200.00
Worcester	11,005	92	12.69	0.84	34	58		145	10.16	1.32	111	326.47
Bristol	5,794	15	2.07	0.26	9	6		59	4.13	1.02	50	555.56
Nantucket	-	0	-	-	-	-		8	0.56	-	-	-
Duke's	-	2	0.28	-	0	2		3	0.21	-	3	-
Berkshire	2,534	6	0.83	0.24	1	4	1	101	7.08	3.99	100	10,000.00
Barnstable	3,371	7	0.97	0.21	1	6		37	2.59	1.10	36	3,600.00
Essex	11,328	121	16.69	1.07	30	89	2	85	5.96	0.75	55	183.33
York	3,904	5	0.69	0.13	2	3		6	0.42	0.15	4	200.00
Lincoln	2,468	2	0.28	0.08	2	0		72	5.05	2.92	70	3,500.00
Cumberland	3,063	13	1.79	0.42	6	6	1	30	2.10	0.98	24	400.00
Hampshire	7,957	8	1.10	0.10	3	4	1	79	5.54	0.99	76	2,533.33
Unknown	-	42	5.79	-	26	16		35	2.45	-	9	34.26

TABLE 9, contd.

County	Adult Males	FOG		% of Males		Loyal FOG		Non-Loyal FOG		Exclu- sions		Loy- alists		% of Males		Loyal FOG/ Loyalists Differential		Percentage Increase
Massa- chusetts	75,689	725	+ 2	100.00	0.96	389	+ 2	322	14	1,427		100.00	1.89	1,038		266.84		
		women =727				women =391				+ 24 women & males under 16 =1,451				1,060		271.10		

Sources: Appendices A, D and E.

*Estimates for the adult male population are for 1777. The reading for Boston is for 1771, for the town's population was reduced to less than 3,000 during the siege, 1775-1776.
+Percentages of adult male friends of government and Loyalists.

a viable and attractive alternative to the radicals' strategy of resistance and were unable to inspire widespread defections from the Whig movement. Fourthly, the withdrawal of British troops from Boston in March 1776 left the Patriots in control of the entire colony and gave them a free hand to extend the proscription of political dissenters and would-be Loyalists. Massachusetts was never a major battleground during the War of Independence, and the British were unable to give much encouragement to the Loyalists and their sympathizers. Finally, the composition of the friends of government and the Loyalists reveals that the loyal friends of government were concentrated in the east of the province and were primarily persons employed in commerce and the professions. The yeoman farmers of the West and South and Maine, and the artisans of Boston gave the friends of government little support in their battles with the Whigs 1765-1775, although from 1776 onwards some became Loyalists. Only in Boston can we say that there had developed a political base for a popular Loyalist counter-revolutionary movement.

1. The Collapse of the Provincial Government and British Authority.

As is well known, the Patriots won the support of the overwhelming majority of the people of Massachusetts for their strategy of resistance to the Coercive Acts, in the process attracting the allegiance of many groups, such as the western farmers, who had taken little part in provincial and imperial politics before 1774.³ With the assistance of mobs comprised of yeoman, artisans, merchants, gentlemen, selectmen and militia officers, the Patriot leaders engineered the destruction of British authority and the power of the provincial government outside of Boston in the autumn of 1774. Mandamus councillors, judges, court officials, jurors and sheriffs submitted to the/

the dictates of the Patriots and refused to carry out their duties in accordance with the Massachusetts Government Act. The Patriots, already in control of the House of Representatives, set up their own interim government with a House and Council, county conventions, provincial and continental congresses, and local committees. It was, according to historian Richard D. Brown, a "revolutionary assumption of authority".⁴

From the outset of the controversy over the Coercive Acts, the Whigs had made it abundantly clear that they would resist attempts by government officials and friends of government to execute the acts.⁵ The resolutions of the Berkshire and Worcester conventions in July and August reiterated this policy.⁶ The Whigs fully appreciated the facts that since 1765 anti-Toryism had been successful in undermining the political credibility and resolve of their opponents and the extra-legal intimidation of government officials had contributed to Britain's decisions to repeal offensive acts of Parliament. To the friends of government, the proscription of political dissenters and government officials was inconsistent with the Whigs' professed faith in the doctrines of natural rights and the "Rights of Englishmen",⁷ but there was little they could do to prevent them. The friends of government, Governor Thomas Gage and the British government held no illusions about the severe problems to be faced when it came to enforcing the Coercive Acts upon an unwilling people.

On August 6, Gage received from Lord Dartmouth a list of the thirty-six mandamus councillors appointed under the Massachusetts Government Act, with instructions to assemble them at the earliest possible opportunity.⁸ The councillors were a mixture of Tories and dissident Whigs, Bostonians and men from the country towns. The Tories included Secretary Thomas Flucker, Chief Justice Peter Oliver and Judge Foster Hutchinson. The dissident moderate Whigs were well represented by Harrison Gray, Samuel Danforth, John Erving and his son, Isaac/

Isaac Royall and the new Lieutenant-Governor, Thomas Oliver. (Andrew Oliver had died in March. They were not closely related.) The Boston merchants offered commissions included James Boutineau, Thomas Hutchinson Jr., Jonathan Simpson, and Joseph Green. Those from the country towns were men influential in local and provincial politics: Israel Williams and John Worthington of Hampshire County; Timothy Paine, Timothy Ruggles, and John Murray of Worcester; Josiah Edson, Nathaniel Ray Thomas and George Watson of Plymouth; Daniel Leonard of Bristol; and Isaac Winslow of Suffolk. Andrew Oliver Jr. and William Browne of Salem were also offered places. Whatever the ministry's sources of information were respecting the choice of councillors, it is clear that careful consideration was given to selecting some of the most prominent friends of government.⁹ (There was no place for John Amory because the list was compiled before he had led the assault on the radicals. He almost certainly would not have accepted the appointment.)

Gage called the first Council meeting for August 8. Eleven councillors took the oath of office. Another fourteen were sworn in on the 16th. Eight refused to accept the commissions and tendered their resignations: Williams, Worthington, Royall, John Erving Sr., Green, James Russell, William Vassal and Robert Hooper. Answers were not received from two, Thomas Palmer and Jeremiah Powell, and one other died before a reply could be sent (Timothy Woodbridge). Some pleaded "age and infirmities" as the reason for not serving on the Council, but according to Gage the real reason was that they suffered from "timidity" and would "choose to avoid the present disputes."¹⁰ John Erving, for example, had "connections with all sides, and would keep well with all." He did not resign his place until August 25 or 26, and was invited to attend the Provincial Congress in October. He refused the Whigs' offer, but like many friends of government his loyalty/

loyalty was not settled until 1775 (when he signed the farewell address to Gage).¹¹

The most serious losses were John Worthington and Israel Williams. Gage had depended upon the pair and their associates to carry the western counties in the face of new activity in support of the Whigs. Williams wrote the Governor urging him "to defend us against the fury of the Mob[s], which are rising in many places." He did not ask for military assistance, however, for neither he nor Worthington were prepared to counteract the "enthusiastick frenzy and...madness" that now prevailed in Hampshire County.¹² Their fear of proscription and persecution was not misplaced. A mob had tried to prevent Timothy Ruggles from leaving Hardwick to go to Boston to take the oath. Joseph Green had had his house daubed with Hillsborough paint.¹³ The reluctance of such staunch Tories as Williams and Worthington to give their services to a government and empire much in need of them suggests that attitudes of defeatism and despondency were commonplace among leading friends of government at this time.¹⁴

These attitudes were also characteristic of the councillors who remained. At the second meeting of the Council on August 16, Gage asked the members to consider Boston's deliberate evasion of the clause in the Massachusetts Government Act restricting town meetings to one per year. (The selectmen had been continuing the meeting by adjour[^]ments.) The councillors agreed that Boston's tactic was part of the Whigs' strategy of resistance, but "nearly the whole [were] unwilling to debate upon it, terming it a Point of Law." Gage was advised to consult a Crown lawyer. When Gage requested the Council's advice on his plans to dismiss a sheriff from office, the Board declined to offer an opinion and referred Gage to the terms of the Massachusetts Government by which the Governor had the sole power to appoint and remove sheriffs.¹⁵

The bubble burst in the last week of August when councillors who lived outside of Boston were confronted with mobs calling for their resignations. On his way home to Taunton after taking the oath, Daniel Leonard learned that his neighbours were determined "to deal" with him. He fled back to Boston, just managing to escape an angry mob some five hundred strong that laid siege to his house.¹⁶ John Murray, Joshua Loring, Josiah Edson and William Pepperell also managed to escape the fury of the mobs by fleeing to Boston. They were spared the indignity of being forced to resign their seats in public.¹⁷ Timothy Paine, however, was made to deliver his resignation on Worcester Common before a crowd of two thousand assembled from the neighbouring towns and led by militia officers and three representatives from the General Court.¹⁸

Friends of government who did not hold office in the provincial administration were not immune from intimidation. On August 22, the Whigs extracted recantations from 43 of the 52 subscribers to the Worcester Protest. The protestors were summoned to the town's King's Head Tavern and made to sign a paper admitting that they "did not so well consider the contents" of the Protest before they signed it. They "had no other intention than to bear...testimony against mobs and riots, notwithstanding any thing in said protest to the contrary." This language minimised the level of ideological conflict in the town. It portrayed the protestors as misguided conservatives who, like some moderates, were anxious about the possibility of civil and social disorder breaking out. Two days later, five other protestors were called before a town meeting to abjure their ideological principles. Those protestors who had not yet recanted, including James Putnam and William Paine, were banned from holding town office.¹⁹

Governor Gage knew full well that if British authority was to be res^tored in the province at large troops would have to/

to be deployed to protect government officials and friends of government. But Gage had just 3,000 troops at his disposal, based in Boston, and this small force could offer only limited assistance to Loyalists. Moreover, if detachments of troops were sent out into the countryside it would weaken the garrison at Boston and leave the capital open to attack by the Patriots.²⁰ Gage had nearly provoked a military confrontation when he ordered two companies to Salem to prevent a meeting of the Essex County Convention. Three thousand Whigs were ready to intervene .. when conflict was averted by the withdrawal of the soldiers and the release of a few radicals who had been arrested.²¹ Gage was further alarmed by a report he received from William Brattle on August 20. In his capacity as commander of the province militia, Brattle informed the Governor that the Whigs had been removing vast quantities of ammunition from the Medford powder house in preparation for an armed struggle. (With this action, Brattle threw in his lot with Britain.)²²

When the mandamus Council met for the third time on Wednesday, August 31, it was in an atmosphere of intense alarm. The meeting was held in the Council chamber at Boston in contravention of the Massachusetts Government Act, for the members declared that they would be "watched, stopped and insulted" if they had to travel to Salem. Gage called them together to ask their advice on whether he should send the troops into the countryside to protect the friends of government and government officials. He faced the additional problem that the Superior Court was due to meet at Worcester in early September and the Whigs had declared their intentions to halt its proceedings.²³

In what was a fateful moment, the councillors "Unanimously Advised" the Governor to concentrate his forces in Boston because resistance was "so general", and to wait for reinforcements from Britain.²⁴ The councillors' decision was based on their personal experiences of the previous weeks, their political ideology and recollections of events since the troubles began in/

in 1765. One and all they concluded that the province was on the brink of revolution. Present at the meeting were those councillors who had been forced to abandon their homes in the countryside and take refuge in Boston: Ruggles, Edson, Murray, Leonard, Loring and Pepperell. Before the meeting commenced, Gage asked each of these men to write down an account of their confrontations with the mobs. Then, together with a letter from Timothy Paine recounting his experiences, Gage laid them before the whole Council and had Secretary Flucker copy them into the record books. The letters provided the central evidence on which the Council's decision was based. The councillors warned Gage not to split his forces, for they were convinced that in the meantime the provincial government was powerless to prevent the disintegration of its authority. They also concluded that if troops were used at this juncture, it would precipitate a bloody civil war in which the government side was bound to come off worst. The letters made no mention of any counter-revolutionary activity by the friends of government.²⁵ (The next Council meeting was in July 1775.)

Gage accepted the accuracy of the councillors' analyses and acted upon their advice.²⁶ Orders were issued to erect fortifications on Boston Neck, and the men-of-war in the harbour were brought in closer to the town. The Customs Commissioners and their assistants returned from Salem.²⁷ The only military activity outside of Boston during September came on the 1st when a company of troops was dispatched to seize the ammunition held at Medford. The sortie provoked a response from the Whigs and country people that showed just how near to war both sides were. Within twenty-four hours, a mob of 3,000 armed men assembled on Cambridge Common ready to march on Boston. They were readily assisted by over 10,000 men from Middlesex County, and many more thousands mustered in Connecticut.²⁸

With the troops confined to Boston, the Whigs acted with impunity in compelling councillors, government officials and friends of government to submit to their authority. The Cambridge mob quickly forced Thomas Oliver, Samuel Danforth and Joseph Lee to resign their seats on the Council. They also received a written pledge from Sheriff David Phips that he would not issue any more writs and veniŕes under the Massachusetts Government Act. The mob then visited the homes of William Brattle and Jonathan Sewall, but the old general had already fled to Castle William and Sewall was in Boston.²⁹ Days before, Thomas Hutchinson Jr. and Isaac Winslow had tendered their resignations, and Jonathan Simpson, Andrew Oliver Jr. and George Watson soon followed suit.³⁰ William Browne was the only councillor who refused to give up his commission when approached by the Whigs, although soon afterward he too fled to Boston.³¹ Abijah Willard, another councillor, signed a recantation promising that he would not sit on the Council, but he did not resign his seat and continued to attend meetings.³²

Joseph Lee explained succinctly the dilemma of those who were compelled to give up their places on the Council and those whose duty it was to enforce the Coercive Acts. He was "obliged to submit to the rage of the times", for the resentment toward the Coercive Acts "threatens a catastrophe greatly to be dreaded, and exposes the Members of the Council to such continual injuries and insults as I am unable to sustain."³³

Of the 25 councillors who had been sworn in only 16 were left. Gage found willing replacements in John Vassal and Nathaniel Hatch, and their appointments were confirmed by Britain. The Earl of Dartmouth also instructed Gage to admit George Erving into the Council, no doubt in recognition of the part played by Erving in the Boston town meeting.³⁴

On September 6, at the request of the Worcester Convention, the judges and court officers of that county, excluding those who/

who had fled to Boston, pledged before an assembly of 6,000 people that they would not conduct business in accordance with the Massachusetts Government Acts.³⁵ Similar pledges were elicited from the court officers, Justices of the Peace, and Sheriffs of Suffolk, Middlesex and Hampshire counties.³⁶ Those who had to endure the humiliating ritual of signing papers in public included Israel Williams, John Worthington, Peter Frye and Elisha Jones. Whenever possible, the Whigs had the recantations and pledges printed in the province newspapers as examples to those who still dared to defy their authority.³⁷ Meanwhile, in Boston, jurors refused to take their seats in court until Chief Justice Peter Oliver retired from the bench.³⁸

The Whigs also continued with the proscription of the friends of government. They extracted recantations from the Easton protestors and, between September and December, from at least six addressers.³⁹ On December 28, for example, the Marblehead town meeting proclaimed the addressers to be the "inveterate Enemies of America" and promised "to the utmost of our power, [to] break off all Connections in Commerce, and in every other Way...until they shall satisfy America for their past Misconduct, and give some manifest Tokens of a good Disposition to join their Country in its just Cause." Twelve of the Marblehead and Salem addressers signed recantations in the spring of 1775.⁴⁰ For the moment, the Whigs were content to make examples of the friends of government and have them renounce their ideological and political principles.⁴¹ Wholesale proscriptions were not possible because the majority of friends of government were secure in Boston.

In the space of a few weeks in August and September, 1774, the people of Massachusetts witnessed massive demonstrations of popular anti-British sentiment never before seen in the colony.⁴² To the Tories, the province was "in a thorough state of Anarchy".⁴³ Nathaniel Coffin considered the Suffolk/

the Suffolk Resolves to be tantamount to a declaration of war on Britain because they recommended that the colonists organise for their military defence. He also feared that "a general Massacre" of the friends of government "scatter'd about the Country" would follow on from the recantations and proscriptions.⁴⁴ Boston was the "only part of the Colonies which can boast of Freedom, every Man being at Liberty to say & do what he pleases, provided he keeps himself within the laws."⁴⁵ Coffin's friend James Murray was extremely critical of the British government for doing little to arrest the deterioration of its authority in Massachusetts. However, he believed that the North administration could still avert a military conflict by meeting some of the Americans' early demands for greater representation within the empire. He favoured the setting up of an American parliament "Similar to that of Ireland". Alternatively, if the British chose a hawkish policy, he felt sure that a display of British military strength would be enough to deter the Whigs from taking further hostile measures.⁴⁶ Murray and Coffin remained silent on the vexed question of whether the repeal of the Coercive Acts would necessarily have to precede any settlement that offered concessions to the Americans.

The dissident moderate Whigs were also worried that the province was on the edge of revolt. But where the Tories were now equivocal on the question of the repeal of the Coercive Acts, the moderates continued to insist that repeal and the reimbursement of the East India Company must precede any accommodation. They trusted that the Continental Congress, due to meet at Philadelphia in September, would recommend such a policy. So too they hoped would the new Parliament to be returned on November 30.⁴⁷ "Hostile preparations" by any of the parties involved, concluded Harrison Gray, would remove the basis for a solution to be worked out.⁴⁸

For the moment, with the power of Britain and the provincial government/

government in decline the attention of the friends of government was focused on developments at the Continental Congress where they hoped that moderate counsels would prevail.⁴⁹

2. The Continental Congress and the Loyalist Case.

The first Continental Congress that met in Philadelphia during September and October 1774 was a watershed for the friends of government, for it failed to produce a compromise solution to the colonies' disputes with Britain.

The decisions and resolutions of the Congress embodied virtually all the demands of the Massachusetts Whigs. When the Boston silversmith Paul Revere brought a copy of the Suffolk Resolves to Philadelphia on September 16, they were immediately approved. The Congress promised military aid for the Bostonians if required. Furthermore, the Declaration of Rights and Grievances itemised thirteen acts of Parliament passed since 1763 that New Englanders and Americans in general had been labouring to repeal. On October 20, the Congress adopted the Continental Association: the non-importation of British, Irish, and West Indies goods and slaves was to take effect on December 1, 1774 and remain in force until the Coercive Acts and all the duties on trade had been overturned. The signatories pledged their respective colonies not to consume dutied tea or East India tea, nor to purchase them from importers. The non-exportation of American products was also approved, but was suspended until September 10, 1775. One of the Congress's most far-reaching proposals was that voters for the legislatures of the various colonies should choose a committee of inspection for "every county, city, and town" to enforce the embargo.⁵⁰ Once again, in Massachusetts the committees took/

took upon themselves the duty of not only enforcing trading restrictions, but of ensuring political and ideological conformity.

The Continental Congress captured the attention of the Massachusetts friends of government and conservatives of all colonies. Beginning on September 8 with the publication of the American Querist by Thomas Bradbury Chandler of New Jersey, the Loyalists mounted a briefly sustained propaganda campaign against the Congress and the Whig leaders.⁵¹ Four Massachusetts Loyalists took part in this public debate. Between December 12, 1774 and April 3, 1775, Daniel Leonard wrote his "Massachusettensis" letters for the Massachusetts Gazette. They were also collected and published in pamphlet form. John Adams, who believed that "Massachusettensis" was his erstwhile associate Jonathan Sewall, replied with his "Novanglus" papers.⁵² Harrison Gray, Jonathan Sewall and Rev. Jacob Bailey were the other pamphleteers from Massachusetts.⁵³

The Loyalist pamphleteers argued that by assuming dual powers of government with the provincial administrations the Continental Congress had infringed the sovereign authority of Parliament to regulate the government of the colonies. Instead of "exhorting" Americans to "return immediately to their duty" and "pursue the business of their respective stations and occupations", they had set the lower orders up as "politicians and patriots" and "inflame[d] their minds with resentment against their lawful superiors."⁵⁴ The adoption of the Suffolk Resolves and the Association left the way open for a Cromwellian usurpation of authority by New England's "inveterate enemies" to monarchy.⁵⁵ The conservatives maintained forcefully that the delegates to the Congress had had no mandate from their constituents to pursue a policy of resistance.⁵⁶ What the Congress should have done was to have endorsed the Plan of Union between Britain and the colonies proposed by the Pennsylvania delegate Joseph Galloway, which provided for a clearer delineation of/

of American political rights within a reformed constitutional structure. The Congress should also have petitioned the King and Parliament for a redress of greivances, in the process acknowledging Parliamentary supremacy.⁵⁷

But the 'Loyalists' plea for constitutional and political reform was an unattractive solution to most Americans because they refused to make any concessions on the legislative supremacy of Parliament in the colonies. By 1774, Whigs such as John Adams had come to the conclusion that Parliament did not have the authority to regulate all aspects of government in America. Parliamentary sovereignty extended only to the regulation of commerce. Adams argued that a division of powers existed within the empire and that the provincial assemblies were the de jure source of legislative supremacy in the colonies.⁵⁸

On the other hand, the Loyalists held that Parliament was the source of legislative supremacy in the colonies, although they were of the opinion that it would be wise for Parliament to restrict the exercise of its sovereign powers. To deny that sovereignty in one part of the empire, as the Whigs now did, was to undermine its jurisdiction in the rest. Whether the colonists liked it or not, they were bound by the laws and acts of the British Parliament.⁵⁹

This did not mean that Parliament possessed a despotic power over Americans. The Loyalist pamphleteers asserted that that august body would never enact truly oppressive legislation. Daniel Leonard observed that "an argument drawn from the actual abuse of power, will not conclude to the illegality of such a power; much less will an argument drawn from the capability of its being abused."⁶⁰ This line of reasoning placed the Loyalist writers in an uncomfortable position and led them to make an incongruous justification of the Coercive Acts as being/

being Draconian measures consistent with a moderate exercise of power. They were "meant as punishments for crimes against the state, and to make examples of those who were considered as the greatest offenders." The pamphleteers did not call for the immediate repeal of the Coercive Acts and asserted that the colonists must give an explicit acknowledgement of Parliamentary supremacy and past "political errors and offences", as well as pay compensation to the East India Company, before the acts would be revoked.⁶¹

After nine years of debate over the nature and extent of the colonists' political and constitutional rights, the Loyalist writers had little to offer Americans by way of assurance as to what their rights were within the empire and by what means they could best redress their grievances. For as the New York Whig Alexander Hamilton explained to Chandler's associate Rev. Samuel Seabury, petitions and remonstrances had been sent to the King and Parliament many times before, and in most cases had had little effect on the opinions of M.P.s and ministers. There was nothing to "prove their likelihood" of succeeding with the Coercive Acts. With a taste for hard-headed economic thinking, Hamilton argued that the Stamp Act and Townshend Acts had been repealed because the colonists' non-importation policies had damaged British manufacturing and commercial interests. Thus, he concluded, with Britain standing intransigent on the question of colonial rights, the Continental Association was the only non-military option left open to the Americans that stood any real chance of success.⁶²

The most telling arguments made by the Loyalist pamphleteers were those concerned with the immediate political, social and economic consequences of resistance to Britain. The Whigs admitted that the restrictions on trade with Great Britain would cause a stagnation in the American economy, but emphasised the self-sufficiency and buoyancy of the economy to withstand shortages./

shortages. They claimed that the worst effects of the boycott would be felt in Britain and Ireland, not America. The loss of the vital colonial markets would reduce "prodigious numbers" to "beggary and misery".⁶³ In contrast, the Loyalists minimised the potential impact of the Association on the British Isles and argued that it would be the colonists who would suffer the greatest hardships. There would be "clamours, discords, confusion, mobs, riots, insurrections, rebellions", not against Britain but against the Congress who had brought this "monster" to life.⁶⁴ With the prospect of unemployment in shipbuilding and all trades related to commerce, the Loyalists conjured up a disturbing vision of class warfare in America. "In a phrenzy of despair", the cold and hungry will, "overthrow those whose situations they envied."⁶⁵ For Daniel Leonard, resistance to Britain "dissolves the social bond, annihilates the security resulting from law and government, introduces fraud, violence, rapine, murder, sacrilege, and the long train of evils that riot uncontrouled in a state of nature....I once thought it chimerical."⁶⁶ Robert Treat Paine was one Whig who was alarmed at Leonard's portrait of this Manichean, class conscious, Hobbesian nightmare of the return to a state of nature. "Massachusetts" had "drawn the most frightful picture his Imagination could Suggest" of life in an independent America.⁶⁷

The Loyalists also attacked the ideological orthodoxy imposed on Americans by the Whigs. James Christie of Baltimore published an account of his mistreatment by local Whigs, "for not acceding to what...[he] deem[ed] treason and rebellion."⁶⁸ The Anglican Loyalists resurrected the spectre of religious persecution for all minority sects after the Whigs of New England bitterly denounced the Quebec Act for providing freedom of worship for Roman Catholics.⁶⁹ Leonard and Chandler claimed that the Whigs were denying the Americans "liberty of thinking and acting for themselves" when they set up committees of inspection, burned/

burned Loyalist pamphlets and smashed rival printing presses.⁷⁰
 They appealed to Tories, moderates, and all "who are friends to
 to order and government, and enemies to the riots and disturbances
 of abusive mobs...[to] assume the courage openly to declare
 their sentiments."⁷¹

With the sole exception of their defence of the Coercive Acts, which the Massachusetts friends of government were labouring to repeal, the Loyalist writers voiced the concerns, fears and aspirations of the friends of government. They raised many issues which had received the undivided attention of the friends of government throughout the 1760s and 1770s: the inviolability of Parliamentary supremacy in the face of Whig demands; the prospect of social and civil disorder breaking out if resistance to British authority continued; the extra-legal proscription of political dissenters. At the same time that they examined the arguments of the Whigs, the Loyalists evinced a measured criticism of British colonial policies.

Disappointed in the failure of the Congress to deliver a compromise solution to the dispute with Britain, Nathaniel Coffin was "fully convinced" that Britain would deploy troops to enforce and maintain its authority. In which case, he confidently asserted that "notwithstanding the power of the Party against Government...there would be a defection of at least one half of the Inhabitants from the [Whig] Cause. Many would act on the Side of Government & many others would not act against it." This, he claimed, was the opinion of every man he had spoken with during November.⁷² Coffin was to be woefully disappointed, for it was the Patriots and not the Loyalists who won the support of most moderates, whom Thomas Paine called "Men of Passive tempers."⁷³ As well as the failure of the Loyalist pamphleteers to provide an attractive alternative policy to resistance, the collapse of the power of the provincial government and the proscription of dissenters deterred many would-be Loyalists from becoming actively involved in the/

the conflict on the side of Britain.

3. The Friends of Government and the Loyalist Counter-Revolution.

The friends of government did not all yield to the Whigs. A total of 391 became Loyalists. Reports suggest that least 625 other persons joined the loyal friends of government and took part in Loyalist uprisings against the Whigs and Patriots. Unfortunately, their identities are unknown. To their efforts must be added those of 1,060 Loyalists who were not friends of government but engaged in counter-revolutionary activity, 1775-1783, or were proscribed by the Patriot government.

The Loyalist uprisings and associations of 1774-1775 constituted the basis of an endemic, popular, conservative, pro-British counter-revolutionary movement. They entailed a commitment on the participants' parts to overturn the power of government exercised by the local Whig committees and the Provincial and Continental Congresses.

The first report on the formation of a Loyalist association dates from December 1774. Colonel Elisha Jones of Weston gathered together sixty men to protect the town from the Whig mobs. Nothing further is known of the association's activities and Jones eventually fled to Boston.⁷⁴ At the same time, Nathan Aldis, a prosperous yeoman of Wrentham in Suffolk County, began collecting the names of those townspeople willing to assist Governor Gage and the British to put down the rebellion. After the commencement of hostilities, Robert Cook, a veteran of the French and Indian War, raised a force of twenty-five men to protect the town from Patriot soldiers. But when Cook was arrested, the Wrentham Loyalists soon scattered.⁷⁵ From the turn of the year, fourteen freeholders of Petersham in Worcester, under the leadership of local landowner Thomas Beaman, /

Beaman, met regularly as a Tory Club. They were determined to "repel Force with Force" if their lives and property were threatened by the Whigs. The local Whigs viewed the Tory Club as being a potentially subversive organisation. The town meeting declared the Tories to be "traiterous Parricides to the Cause of Freedom". Neither side hazarded an armed confrontation in Petersham, although both were involved in a riot. Eventually, Beaman and a few others sought refuge in Boston. ⁷⁶

More promising were the efforts of Colonel Thomas Gilbert and his brother Samuel. In August 1774, Thomas Gilbert had been insulted by a mob of local Whigs. Over the next few months, he collected a force of some three hundred Loyalists. Gage promised to send reinforcements of regular troops. But the troops never arrived, and on April 9, 1775, two thousand Patriots laid siege to Gilbert's house in Freetown and dispersed his private army. The Gilberts fled to Boston. ⁷⁷

The most concerted effort to organise Loyalist resistance was in Plymouth County. On January 20, the friends of government of Marshfield and Scituate, under the leadership of mandamus councillor Nathaniel Ray Thomas, petitioned Governor Gage to send troops for the protection of 240 "loyally disposed people". According to Gage, this was "the first instance of an Application to Government for assistance." (It probably pre-dated the Gilberts' request.) Four days later, 100 troops from the 14th Regiment were dispatched to Marshfield and billeted in the home of councillor Thomas. The schooner Diana took up a position just off the Plymouth coast. The purpose of the exercise, said John Rowe, was "to keep the People there Quiet & Peaceable" and protect the friends of government. There was little strategic value in occupying a town some twenty-two miles from Boston and in the middle of Patriot territory. While the troops were there, the friends of government won a vote in the town meeting, called with Gage's permission, "not/

"not to adhere to or be bound by the resolves and recommendations" of the Provincial and Continental Congresses.⁷⁸

The Whigs, however, made plans to attack the loyal friends of government. It was rumoured in Boston that "the Tories are like to be drove out of Marshfield & Scituate." And so they were. Immediately following the skirmishes at Lexington and Concord, the troops were withdrawn to Boston. Many Loyalists left the town before it was occupied by the Patriots. On June 19, 1776, Marshfield declared for the independence of the colonies, anticipating Congress's vote by fifteen days.⁷⁹

Given the upsurge in popular support for Loyalist uprisings and associations, it may be the case that there were many more colonists who rejected the authority and ideals of the Whigs and Patriots, 1765-1783, than those whose identities can be established from existing sources.

Meanwhile, in Boston Timothy Ruggles drew up a subscription paper for an association of all men who would pledge "upon all occasions, with our Lives, and Fortunes, [to] stand by and assist each other, in the defence of his Life, Liberty, and Property." The signatories were to refuse to "acknowledge, or submit to the pretended authority, of any Congresses, Committees of Correspondence, or other unconstitutional Assemblies."⁸⁰

Governor Gage and the British government were enthusiastic about Ruggles's scheme. They saw it as a means of augmenting the regular forces until such time as reinforcements arrived. It would also encourage friends of government throughout the province to take up arms for Britain.⁸¹

But in Boston itself there was little initial support for the association. Gage found the friends of government "shy of making open declarations". They would "first know/

know the resolutions from home" before committing themselves. Nathaniel Coffin reported that the friends of government were as yet unwilling to risk everything in a civil war, because they were uncertain whether the North administration would resort to a military solution and because at the moment Gage's meagre force stood virtually no chance of success against overwhelming numbers. Coffin informed Charles Steuart that

Whenever they can meet with a support
there will in every part of this province
be a great defection from our seditious
Leaders, Great numbers from principle,
& much greater thro' fear of loosing
their property & lives will [en]list
on the side of Government whenever it
acts with vigor. 82

Moreover, while the situation in Boston afforded the friends of government little comfort,⁸³ they did not face the same imperatives to organise associations for their defence because they were protected by the garrison. The Boston Association was not formed until October 1775, long after hostilities had begun. Shortly thereafter, the Loyal Irish Volunteers and the Loyal North British Volunteers were set up, drawing their officers and men from the immigrant merchants and shopkeepers left in the town.⁸⁴

Nonetheless, when the friends of government of Boston did organise the Association they remained steadfastly loyal, partly because they did not encounter the threats of proscription and intimidation that friends of government elsewhere met with. Virtually all those who signed the Boston addresses to Hutchinson and Gage in 1774 became Loyalists. But nearly two-thirds of the Marblehead addressers and almost one-half of the Salem addressers did not (see Table 10). A few, such as Dr. Archelaus Putnam, became Patriots.⁸⁵

Throughout 1775, Gage continually asked the British government to/

TABLE 10: LOYALISM AND THE ADDRESSERS OF 1774.

<u>Addressers, 1774</u>	<u>Subscribers</u>	<u>Loyalists (in percentages)</u>
To Hutchinson, Boston, May 30	123	88.62
To Hutchinson, Province Lawyers, May 30.	24	100.00
To Hutchinson, Marblehead, May 25	31	38.71
To Hutchinson, Milton, c. May	6	16.67
To Gage, Salem, June 11	47	55.32
To Gage, Boston, June 8	128	91.41

Source: Appendix A.

to send reinforcements. At the beginning of April 1775, he had approximately 4,000 troops under his command, drawn from eleven different regiments. Neither Gage nor the friends of government believed that this was an adequate force to defend Boston, let alone to support Loyalist uprisings. Gage estimated that at least 20,000 regular troops were needed to subdue the colonies, which, as it proved, was a widely optimistic guess. However, Lord North, Secretary Dartmouth and the cabinet decided that Gage had sufficient troops at his disposal to thwart any attack mounted by the Patriots against Boston and to take punitive measures against them in and around the capital. The same force was also to lend assistance to the loyal friends of government in the countryside. It was under instructions from/

from Dartmouth to "put to the test" his soldiers that on April 19 Gage sent a detachment of troops to raid the town of Concord by way of Lexington, some seventeen miles north-west of Boston. The engagements with the local Patriots precipitated war between Britain and the colonies.⁸⁶

Within days, thousands of ill-trained New Englanders flocked to join the Patriot forces encamped at Roxbury, Watertown and Cambridge. Both sides settled down to endure a siege. The Patriots, under the command of General Artemis Ward then-General George Washington of Virginia, fluctuated between 15,000 and 20,000 at any one time. Gage allowed whoever wanted to leave Boston on condition of surrendering their arms. The town's population dwindled from around 16,000 to just over 3,000.⁸⁷ Thomas Oliver estimated that at least 500 of the inhabitants were "truly loyal subjects...as have exhibited the strongest proofs of their attachment to Government."⁸⁸ The British, aided by a few Loyalists, engaged the Patriots encamped on Breed's Hill in nearby Charlestown (the battle of Bunker's Hill) and achieved a Pyrrhic victory, for British casualties were more than twice those of the Americans.⁸⁹ Thomas Boylston, who remained in Boston because he had violated the Continental Association, was one Loyalist who complained of the "Supineness" of the British commanders in trying to prevent the encirclement of the town by the Patriots.⁹⁰ Gage was replaced by General Sir William Howe in October. That same month a British squadron shelled the town of Falmouth after local Patriots had arrested a few Loyalists and refused to surrender the town's guns.⁹¹

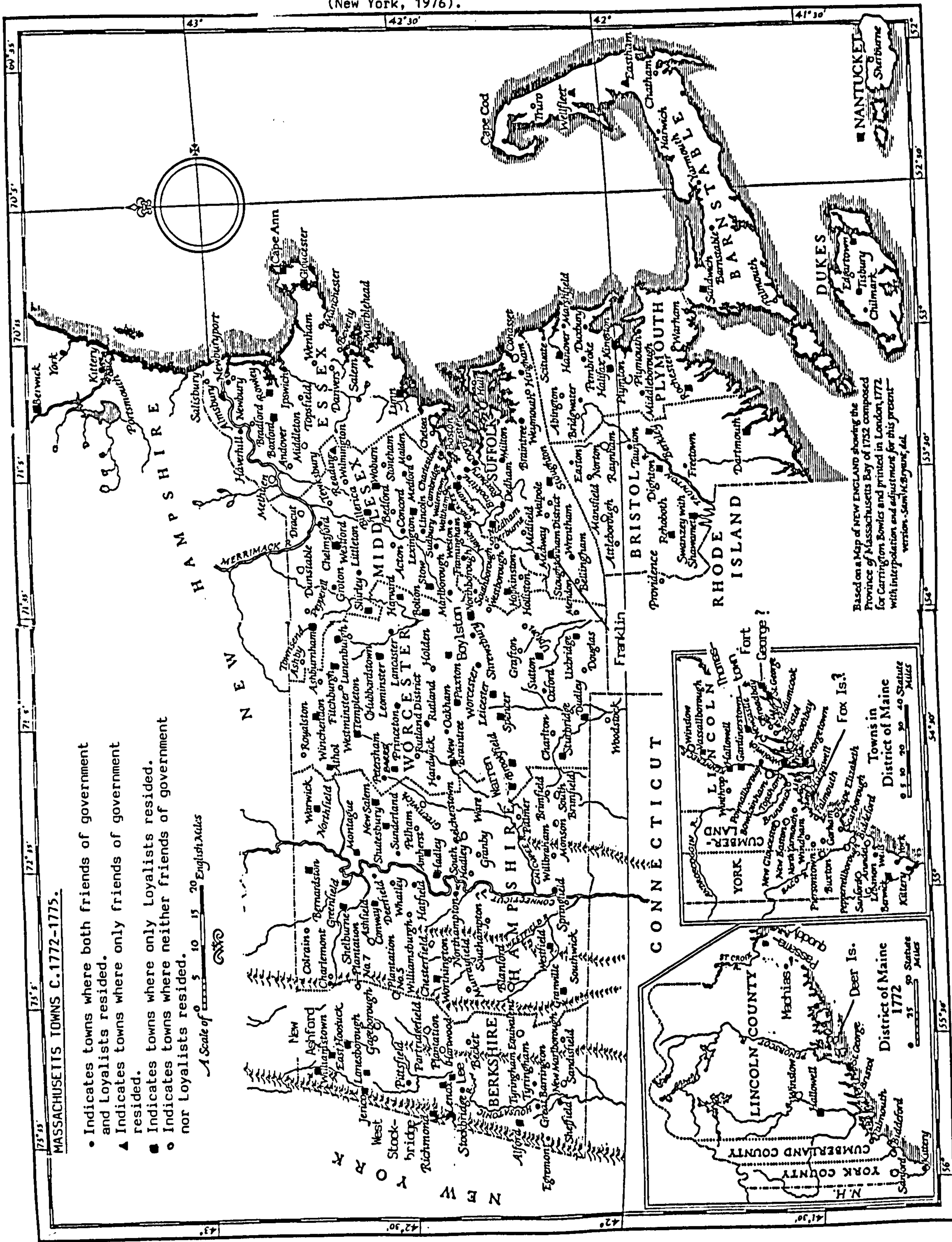
With the evacuation of Boston by the British on St. Patrick's Day, March 17, 1776, Loyalist resistance to the Patriots collapsed. The fleet that sailed for Halifax carried with it 403 Loyalists plus their families, among them 160 friends of government. The decision to take the Loyalists could have been taken in part with a view to enlisting them in the service of the Crown. The/

The evacuees included actual and potential leaders of a Loyalist counter-revolution such as Thomas Gilbert, Timothy Ruggles, Nathaniel Ray Thomas, Nathaniel Coffin and John Chandler.⁹²

Before and during the siege of Boston, the British could offer little or no help to the Loyalists scattered throughout the countryside; now they could offer none. General Gage had drawn up plans for an invasion of New England and expected that the Loyalists in rural areas would flock to the royal standard.⁹³ Gage overestimated the extent of support for the British in the Northern colonies, and in any case his plan was never implemented. Lord North's government preferred to mount a three pronged assault on the Hudson valley, upper New York and the Southern colonies which, if successful, would have split the colonies and isolated New England. But Britain's "grand design" of encircling New England ended with General Burgoyne's defeat at Bennington, near the Massachusetts-Vermont border, on August 16, 1777 and his surrender at Saratoga two months later (see Map 2). Burgoyne unfairly blamed his defeat on the meagre support he received from the New England Loyalists. When the British troops entered the Hudson valley and the Southern colonies they acted as a catalyst for inciting Loyalist uprisings against the Patriots and, as American dissatisfaction with the war grew, as an agent for changing people's allegiances. These areas witnessed some of the bloodiest internecine strife of the war, with atrocities being committed by both Loyalists and Patriots.⁹⁴ This did not happen in Massachusetts, for the province never became a battleground.

On the whole, the friends of government took little part in Loyalist counter-revolutionary activities after the evacuation of Boston. The departure of leading friends of government deprived the Loyalists in many areas of an effective local leadership, a fact not lost on the Patriot John Adams.⁹⁵ Over 70 per cent of Loyalists who opposed the Patriots or were proscribed/

- Indicates towns where both friends of government and loyalists resided.
- 1 Indicates towns where only friends of government resided.
- 1 Indicates towns where only loyalists resided.
- 3 Indicates towns where neither friends of government nor loyalists resided.



proscribed by them, 1776-1783, were not friends of government. (This calculation is based on Table 9.) At bottom, this fact reflects the growing dissatisfaction of the population in general with the war and the Patriot regime, and suggests too that those persons who declared for Britain after 1775 were latent opponents of the Whigs. Covert means were employed by the Loyalists to undermine the Patriot war effort. Loyalists of Lancaster, Shrewsbury and Lunenburg in Worcester County were suspected of counterfeiting Continental currency.⁹⁶ Loyalists who escaped proscription in Barnstable and Deerfield were able to give battle to the Patriots in the town meetings.⁹⁷

The failure of the friends of government and Loyalists to mount effective resistance to the Patriots can also be attributed to the thoroughness with which the Patriots counteracted the Loyalist threat. The Patriots used the institutions of the colonial regime (the General Court, the town meetings and county courts), of which they had gained control, and their own system of extra-legal organisations (such as the Provincial Congress and local committees of inspection) to immobilise the Loyalists.

After the commencement of hostilities at Lexington and Concord, a general popular enmity towards the friends of government was supplanted by suspicions that they were a potentially subversive and politically dangerous group.⁹⁸ On May 8, 1775, the Provincial Congress instructed the committees of inspection to "watch carefully and diligently" persons likely to assist the British. The committees were given the authority to disarm Loyalists and send to Congress for trial those persons suspected of treason.⁹⁹ In August, the General Court acted upon the suggestion of General Washington that a committee be appointed to "Strictly Examine the Character and Circumstances" of people coming out of Boston.¹⁰⁰ Two months later, the Continental Congress directed the various Patriot governments to/

to watch suspected Loyalists and arrest known subversives. Thereafter, state legislatures and local committees of inspection and safety arrested, imprisoned, expelled and sent for trial Loyalists who refused to swear an oath of allegiance to the new regime or engaged with the British to undermine it. By 1780, thirteen states, including Massachusetts, had passed acts confiscating the estates of Loyalist absentees.¹⁰¹

The Loyalists, including the friends of government, who did not leave Massachusetts were quickly overwhelmed. In 1775 and 1776, over two hundred Loyalists were disarmed or arrested or put on trial. Another three hundred suffered similar fates between 1777 and 1783 (see Table 11). In towns such as Worcester, where there had been bitter pre-war political disputes, the Loyalist threat evaporated. In the space of fourteen days in May 1775, the local committee of safety disarmed twenty-nine Loyalists, sent one to Watertown for trial by the Provincial Congress and imprisoned nineteen.¹⁰² Even clergymen were apprehended if they preached against resistance to Britain or the independence of the colonies, or offered prayers for the King and the royal family.¹⁰³

In general, the 600 or so Loyalists who remained in Massachusetts after the evacuation of Boston were not treated harshly. If found guilty of making a seditious speech, they were usually fined.¹⁰⁴ On suspicion of treasonable activities, they were confined to the limits of the town, placed under house arrest or sent to the town jail; occasionally, they appeared before the Provincial Congress or General Court.¹⁰⁵ All transgressors were required to take an oath of allegiance to the United States and sign a recantation of their past conduct and political principles. Less than half the number of Loyalists arrested between 1775 and 1783 suffered imprisonment, and then sentences rarely exceeded eighteen months. On the whole, the treatment of the Massachusetts Loyalists compares favourably/

favourably to that of Loyalists in other colonies and of political dissenters during the French Revolution. 106

TABLE 11: THE PROSCRIPTION OF THE LOYALISTS

	1775-76	1777-83	1775-83	Undeter- mined
Arrested, tried, or disarmed	216	313		
Jailed			218	
Executed			4	
Mobbed	17	7		19

Note: Some Loyalists are included in more than one category.
Sources: David E. Maas, comp. and ed., Divided Hearts. Massachusetts Loyalists, 1765-1790: A Biographical Directory (Boston, 1980); Edward A. Jones, The Loyalists of Massachusetts: Their Memorials, Petitions, and Claims (London, 1930); James H. Stark, The Loyalists of Massachusetts and the Other Side of the American Revolution (Boston, 1910); John Noble, "Some Massachusetts Tories", PCSM, 5 (1897-1898), pp.257-297; Massachusetts Loyalist Claimants, XIII-XIV, MHS.

The Patriots of Boston favoured tougher measures in dealing with the Loyalists. When they reoccupied the town in March 1776, they compiled a list of eighty-six suspected Loyalists remaining in the town, including John Erving and Thomas Amory. They were at once confined to the town limits, "as their being Suffered to go at large may be attended with danger to ye Public." 107 Later, the committee of inspection and safety protested at the leniency/

leniency with which the oath of allegiance was being administered. Loyalists were being offered more than one chance to take it.¹⁰⁸ As Burgoyne's force drew closer to the Massachusetts border, their anxiety increased. In March 1777, a committee of twelve men, one from each ward, was formed to compile a directory of "Refugees & other disaffected Persons" who had fled to Boston after the commencement of hostilities.¹⁰⁹ In early May, the town petitioned the General Court to recommend the "necessary Confinement" of all suspected Loyalists of "every rank". By an act of May 10, the Court empowered towns to choose by ballot "some Person firmly attached to the American Cause to procure Evidence that may be had of [those of an]...Inimical Disposition."¹¹⁰ By the following March, the Bostonians had gathered the names of 160 "Inimical Persons", although 137 had already left the state.¹¹¹

The final episode in the proscription of the Loyalists was the attempt to deprive them of their political rights and property. The Banishment Act of September 1778 deprived 308 Loyalists of their rights of citizenship in the state of Massachusetts. If they returned to the state without permission, they could be extradited or imprisoned. One hundred and eighty-seven of those named in the list had already left Massachusetts.¹¹² In 1779, the Massachusetts legislature passed two acts confiscating the estates of the Loyalist absentees. The first, "An Act to Confiscate the Estates of Certain Notorious Conspirators", applied to twenty-nine persons who had been prominent friends of government, including the Hutchinsons, Olivers and mandamus councillors. The second, "An Act for Confiscating the Estates of Certain Persons Commonly Called Absentees", did not name those to whom it applied, but stated that persons who had left "their usual place of habitation" since April 19, 1775 without permission of the Patriot authorities were liable to have their property seized by the state.¹¹³

In some states, especially New York, the confiscation and sale of Loyalist property led to a certain democratization of landholding and redistribution of wealth among middle-class farmers. But confiscation was not popular in Massachusetts, even with the Patriot leaders. According to one historian, the policy was "meant to alter Massachusetts as little as possible." Virtually no democratization of landholding or redistribution of wealth from the top to the bottom of society occurred.¹¹⁴ (One hundred and twenty-one friends of government had their estates confiscated or labeled for confiscation.) Rather, we can view the Banishment Act and the Confiscation Acts as being the culmination of the Whig leaders' attempts to eradicate all political and ideological opposition that had begun during the Stamp Act Crisis of 1765-1766.

The Peace of Paris of 1783, by which the Continental Congress was obliged to recommend the states to restore confiscated property, encouraged many Loyalists to return to Massachusetts and reclaim their land.¹¹⁵ But for those who could not return or recover their property, the Revolution left a bitter legacy. It was, according to Harrison Gray, "the greatest political Curse, that Righteous Heaven ever inflicted on a People." In the "Frenzy of their Zeal", the Americans had "reprobated their Alliance to best of sovereigns, exchanged the best constituted Government under Heaven for one... inconsistent with Liberty and for fear of a distant and Ideal Tyranny they have erected a real and dangerous One."¹¹⁶

* * * * *

Following the collapse of the authority and power of the provincial government outside of Boston in the autumn of 1774, many friends of government who had opposed the Whigs, 1765-1774, now displayed a marked reluctance to defy them. Most feared proscription and intimidation, for those that had dared to stand against the Whigs were forced publicly to abjure their political ideology and promise to submit to the authority of the Whigs in the future. The Whigs already commanded the support of the overwhelming majority of Massachusetts's population, and the provincial government and Britain were powerless to prevent the proscriptions and recantations. Consequently, after the commencement of military hostilities between Britain and the colonies, the thoroughness with which the Patriots dispersed the threat offered by the friends of government who remained loyal to Britain and other Loyalists was a major contributory factor in preventing the development of a Loyalist counter-revolutionary "movement" in Massachusetts. So too were the refusal of almost half the friends of government to declare their allegiance to Britain and the inability of the British to offer military assistance to Loyalists and would-be Loyalists scattered throughout the province. Only in Boston during 1775 and 1776 did there emerge a popular-based Loyalist movement which did not collapse until the British evacuated the town.

CHAPTER 12: THE COMPOSITION OF THE FRIENDS OF GOVERNMENT AND THE LOYALISTS.

Why did some friends of government become Loyalists and others not? To answer this question, this chapter examines such diversity in composition as there was among the friends of government, and between them and the Loyalists. Comparisons are also made with the Whigs and Patriots. It would be foolhardy to single out one particular motive or reason why some colonists became Loyalists and others did not. A myriad of factors was responsible for the ways in which Americans behaved politically, 1775-1783. Immediate personal concerns were just as important to them as deep-seated imperial, ideological, social, economic and religious issues. Moreover, matters of allegiance seldom involved clear-cut choices, for they were dependent upon circumstances and policies of governments over which the majority of colonists had little direct control, as well as upon considerations of self-interest and principle.¹ Appendices A, D and E, however, provide fresh information on the statistical predisposition of the people of Massachusetts to become Loyalists and supplement the studies of ideology and politics as behavioural determinants pursued already in this dissertation.

Of the 727 friends of government listed in Appendix A, 391 became committed Loyalists while 14 joined the Patriot side. A further 308 friends of government took no part in/

in the War of Independence and remained scrupulously neutral in their affiliation, if not, perhaps, in their private thoughts and opinions. Fourteen others either died or left Massachusetts before 1775 and have been omitted from the sample studied.² Thus, overall, the Revolution split the friends of government into Loyalists and neutrals. The main question confronting the friends of government from 1775 onwards, therefore, was not which to support, but whether or not to become actively involved in the British cause.

The composition of the friends of government and the Loyalists varied from colony to colony and usually reflected the broad social characteristics of the communities in which they resided. Like the Whigs or Patriots, they were not socially homogeneous groups and came from virtually every rank in society. They were gentry farmers, yeoman freeholders, labourers, merchants, shopkeepers, mariners, government officials, lawyers, clergymen, physicians and artisans.³ Free blacks, Indians, women, Jews, Quakers, Anglicans and immigrants from the British Isles also numbered among the Loyalists.⁴ The disparity in origins, occupations, wealth, social status, ethnicity and religion of the Loyalists, friends of government, Whigs and Patriots reflected the profound changes that had occurred in colonial society during the eighteenth-century when society became less mobile, more stratified and prone to internal conflicts.

As Table 12 indicates, generational conflict was not a significant feature of the Revolution in Massachusetts. The average ages of the friends of government, Loyalists and Patriots in 1775 were very similar. However, the slightly higher reading for friends of government who did not become Loyalists suggests that there was a reluctance among sixty- and seventy-year olds whose sympathies lay with Britain to take an active part in the war.

TABLE 12: AVERAGE AGES OF THE FRIENDS OF GOVERNMENT, LOYALISTS
AND PATRIOTS IN 1775.

Group	Average Age
Friends of Government	45.92
Loyal Friends of Government	44.73
Neutral Friends of Government	51.59
Loyalists	41.80
Patriots	46.50

Sources: For the friends of government, Appendix A; for the Loyalists Maas, Biographical Directory; for the Patriots, John Tyler, Smugglers & Patriots: Boston Merchants and the Advent of the American Revolution (Boston, 1986), p.242.

TABLE 13: EDUCATIONAL BACKGROUNDS OF THE FRIENDS OF GOVERNMENT AND
LOYALISTS.

College	FOG	Loyal FOG	Non-Loyal FOG	Exclu- sions	Loyalists
Harvard	112	88	20	4	158
Yale	3	1	2		1
Other	1	1	0		1
Total	116	90	22	4	160

Sources: Appendix A; Maas, Biographical Directory; "A List of Graduates of/

Table 13, contd.

of Harvard University of anti-Revolutionary or Loyalist Principles, in Classes Prior to the Revolution", American Quarterly Register, 13 (May 1841), pp.403-416, 14 (November 1841), pp.167-172.

The educational backgrounds of the friends of government and Loyalists reveals little about their political motivation.

(See Table 13.) Almost one-sixth of Harvard graduates alive in 1774 became Loyalists. But the college was not a breeding ground for Loyalists. It counted just as many, if not more, Patriots among its alumni.⁵

There are no obvious correlations between the religious affiliations of the friends of government and Loyalism. The paucity of readings recorded in Table 14 renders any conclusion suspect if it is applied to all 727 friends of government. The Anglicans were the most numerous religious group among those whose faith can be established. But it is probable that the vast majority of friends of government, like the Whigs or Patriots, were members of the established Congregational Church.

All but a handful of friends of government who belonged to the Church of England became Loyalists. This fact on its own does not prove that Anglicans were predisposed toward Loyalism for religious, ideological or other reasons more than any other religious group. Sixty-eight per cent of friends of government who were Congregationalists and all those who were Sandemanians became Loyalists.

Theologically speaking, the Anglicans had most in common with those with whom they quarrelled most bitterly over religious matters and politics - Arminian Congregationalists such as Jonathan Mayhew and Charles Chauncy. It was ironic that both/

TABLE 14: RELIGIOUS AFFILIATIONS OF THE FRIENDS OF GOVERNMENT
AND LOYALISTS.

Religion	FOG	Loyal FOG	Non-Loyal FOG	Exclu- sions	Loyalists
Anglican	75	68	6	1	78
Congre- gational	22	15	6	1	33
Sandemanian	9	9	0		10
Unitarian	0	0	0		1
Total	106	92	12	2	122

Sources: For the friends of government, Appendix A; for the Loyalists Maas, Biographical Directory, Jones, Loyalists of Massachusetts, Stark, Loyalists of Massachusetts, and Massachusetts Loyalist Claimants, XIII-XIV, MHS.

both Anglicans and Arminians were hostile to the "enthusiasm" of the Great Awakening of the 1740s and 1750s and found comfort in the Enlightenment's ideals of toleration, moderation and "natural religion", yet were unable to reach a compromise over the Church of England's predicament as a minority church in the Northern colonies and allow the Anglicans the right to establish an American episcopate.

Politically, the Anglican friends of government were much divided during the 1760s. Some, such as the Ervings and/

and the Debloises, supported the Whig cause, while others were Tories. Ideologically and politically, however, the Anglican clergy were a united group. Almost to a man, they were Tories who became Loyalists. Leading Churchmen throughout the colonies, including Henry Caner, had been in dispute with the Congregationalists and Presbyterians over the administration of the colonial colleges and the Church's proposals for an episcopate, during which conflicts they maintained that their plans would bolster the colonists' political loyalty to Britain.⁷ As has been noted, by no means did all rank-and-file Anglicans share this view (see Chapter Two, p.66),

On the whole, the Church of England met the social rather than the political or ideological demands of the friends of government and Loyalists. Episcopalianism was "in good part a lower class movement" in New England, but in Boston and Cambridge it was a much more socially desirable faith.⁸ The Church of England had missions established in at least nine Massachusetts towns other than Boston.⁹ But many, if not most, of the Anglican friends of government who became Loyalists were members of King's Chapel and Trinity Church, Boston, and Christ's Church, Cambridge, and, according to the annual rental value of their property, belonged to the towns' gentry.¹⁰

Like the Anglican clergy, the Sandemanians were political and ideological conservatives who preached obedience and submission to British authority. They were a small Calvinist sect with little influence on politics, the congregation in Boston numbering no more than thirty families.¹¹ As we have seen, however, one of their number, Colborn Barrell, played a conspicuous part in the opposition to the Whigs during the Non-Importation Controversy of 1768-1770 (see Chapter Seven, pp.231-234) The Sandemanians exalted the virtues of pacifism, and refused to obey the Patriots' calls to arms in 1775-1776.¹² But, as we can see from Table 14, around one-third of heads of/

of Sandemanian families overcame their conscientious objections to war and declared their allegiance to Britain. Isaac Winslow of Boston, for example, reasoned that in Britain's hour of need

No thing in our profession dissolves
the obligation of our being servants,
and faithful ones to[o], to those kingdoms
which are of this world and therefore
must be defended by the sword. 13

In terms of places of birth, there is again little to separate the majority of friends of government and Loyalists. Like the Whigs and Patriots, both groups were overwhelmingly native-born (see Table 15). The friends of government, however, contained a higher percentage of foreigners than the Loyalists, about 10 per cent more. What is significant is that 76 per cent of friends of government who were immigrants to Massachusetts became Loyalists, the Scots being the most numerous of the immigrant groups. This fact supports the commonly held view among historians that an immigrants' ties to his or her native country, together with the Americans' hostility toward foreign-born merchants and government officials, particularly the Scots, were in some areas responsible for pulling and pushing immigrants in the direction of Loyalism. Anti-Scottish prejudice surfaced in Massachusetts during the non-importation controversy as it did in Virginia, Maryland and the Carolinas throughout the Revolutionary period.¹⁴

Another common view among historians is that office-holders in the various provincial administrations were the most likely of all colonists to become Loyalists, particularly in New England. The allegiance of many senior officials lay with Britain in part because they were prepared to defend against the Patriots the existing systems of government which had provided them with the opportunities to advance their careers. The Whigs and Patriots condemned two aspects or "abuses" of the colonial systems/

TABLE 15: BIRTHPLACES OF THE FRIENDS OF GOVERNMENT AND LOYALISTS.

<u>Origin</u>	<u>FOG</u>	<u>Loyal FOG</u>	<u>Non-Loyal FOG</u>	<u>Exclu- sions</u>	<u>Loyalists</u>
<u>AMERICA</u>					
Massach- usetts	170	142	23	5	314
New Eng- land	7	6	1		12
West Indies	3	2	1		3
America	7	7	0		18
<u>FOREIGN</u>					
Great Britain	10	8	2		11
Scotland	28	18	9	1	27
England	15	14	0	1	20
Ireland	6	6	0		12
Wales	1	1	0		2
Switer- land	1	1	0		1
TOTAL	248	205	36	7	420

Sources: For the friends of government, Appendix A; for the Loyalists Maas, Biographical Directory, Jones, Loyalists of Massachusetts, Stark, Loyalists of Massachusetts, and Massachusetts Loyalist Claimants, XIII-XIV.

systems from which many Loyalists had profited: plural officeholding and political appointments. 15

The public service record of the Massachusetts friends of government (excluding membership of the House of Representatives) shows that 60 per cent of those who were officeholders became Loyalists (see Table 16.). However, as with the Anglicans, we should not conclude that officeholders were automatically predisposed toward Loyalism. Table 17 demonstrates that the number of officeholders who became Patriots was roughly the same as those who became Loyalists. Officeholders comprised less than one-quarter of the friends of government and less than one-fifth of adult male Loyalists. Thus, as with the immigrants and other minority groups who became Loyalists, the exceptional circumstances and motivation which determined the responses of officeholders to the Revolution cannot be applied to the friends of government and Loyalists as a whole.

TABLE 16: OFFICE- HOLDING AMONG THE FRIENDS OF GOVERNMENT AND LOYALISTS.

<u>Group</u>	<u>Exclu-</u> <u>sions</u>	<u>Officeholders</u>
Friends of Government		170
Loyal Friends of Government		102
Non-Loyal Friends of Government	9	59
Loyalists		193

Sources: For the friends of government, Appendix A was cross-referenced with William H. Whitmore, The Massachusetts Civil List/

TABLE 16, contd.

List for the Colonial and provincial Periods, 1630-1774...

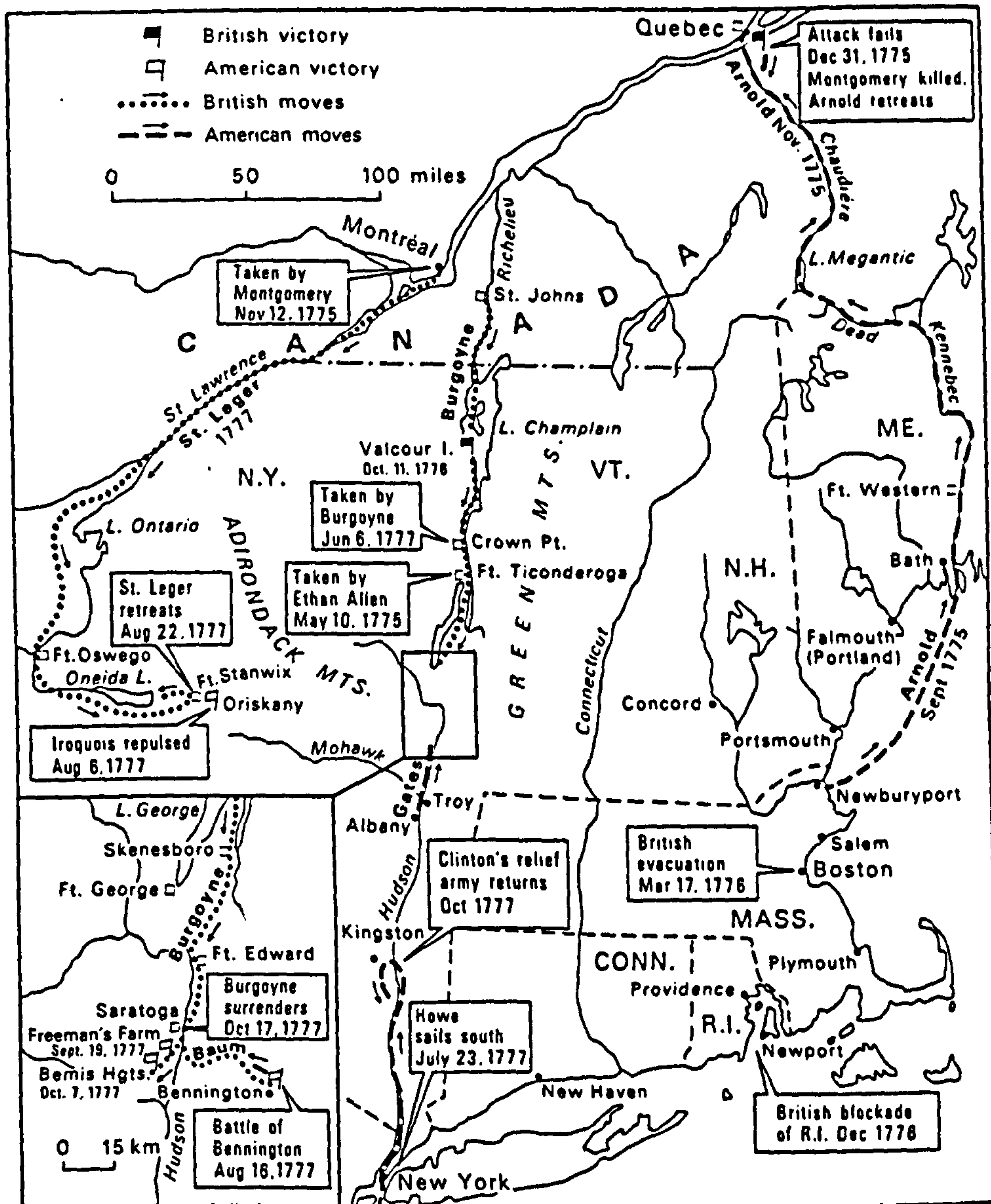
(Albany, 1870); for the Loyalists, David E. Maas, "The Return of the Massachusetts Loyalists," Unpublished Ph.D. dissertation University of Wisconsin, 1972, p.15.

The geographical distribution of the friends of government and Loyalists is a good indicator of the differences in composition that existed between the two groups.

Table 9 (pp.335-336) shows that the overwhelming majority of the friends of government and Loyalists resided in the ports and commercial-farming communities of eastern Massachusetts, in counties adjoining the Atlantic Ocean. It can be calculated from the data presented in Appendix D that nearly 60 per cent of all Loyalists lived in just nine towns which, with two exceptions, were situated on the eastern seaboard.¹⁶ Boston alone accounted for 36 per cent of adult male Loyalists and 33 per cent of friends of government. These conclusions confirm the accuracy of the observations made by previous historians who asserted that the Loyalists and pre-war conservatives were concentrated on the eastern seaboard of America. However, one fact overlooked in the past is that over one-fifth of Loyalists (22.78 per cent) came from the western counties of Berkshire, Hampshire and Worcester, while only 14.62 per cent of friends of government resided in the west.¹⁷

The wider significance of these conclusions is to indicate the main areas of opposition to the Patriots after the commencement of hostilities. Friends of government who lived in Berkshire and Barnstable Counties were the least likely of all/

MAP 2: The New England/Canada Campaigns, 1775-1777.



Source: Maldwyn Jones, The Limits of Liberty: American History, 1607-1980 (New York and Oxford, 1983), p.634.

TABLE 17: THE ALLEGIANCES OF SENIOR OFFICE-HOLDERS IN MASSACHUSETTS
APPOINTED, 1761-1774.

<u>Office</u> [*]	<u>Office-holders</u>	<u>Loyalists</u>	<u>Patriots</u>
<u>ELECTED</u>			
Speaker of the House	3	1	2
Council ⁺	59	11	29
Treasurer	1	1	0
Commissioner of Impost and Excise	1	0	0
<u>APPOINTED</u>			
Governor	2	1	0
Lieutenant-Governor	3	2	0
Secretary	2	1	0
Judges, Superior Court	10	4	1
Judges, Inferior Courts	93	17	26
Judges, Probate Courts	24	3	5
Registers, Probate Courts	24	8	3
Sheriffs	24	11	5
Attorney-General	3	1	0
Solicitor-General	2	2	0
Justices of the Peace	768	102	73
Total	1,019	165	144

Note: /

TABLE 17, contd.

Note: Some officeholders held more than one office.

*The list includes all senior posts carrying a stipend, grant, or salary paid by the province or Great Britain. Customs officers and militia officers were excluded because complete inventories of appointments could not be found. Members of the House of Representatives have been excluded because their expenses were met by the towns to whom they were directly responsible.

⁺Excluding mandamus councillors.

Sources: Office-holders in Whitmore, Massachusetts Civil List were cross-referenced with Appendix A and Maas, Biographical Directory to establish the identity of Loyalists. Sources for the Patriots include Tyler, Smugglers & Patriots, pp.258-277; Stephen E. Patterson, Political Parties in Revolutionary Massachusetts (Madison, Wisc., 1973), pp.204-205; Massachusetts Soldiers and Sailors of the Revolutionary War 17 vols. (Boston, 1896-1908); Thwing File, MHS; National Society of the Daughters of the American Revolution, Dar Patriot Index (Washington, 1966).

all friends of government to become Loyalists.¹⁸ In absolute terms, the biggest decreases in the number of active opponents of the Whigs/Patriots through 1775 occurred in the counties of Essex, Suffolk, Worcester, Plymouth and Middlesex. These were counties where the friends of government had been strongest but where the proscription of would-be Loyalists was rife. With the exception of Suffolk and Worcester Counties, the most dramatic increases in opposition to the Patriots were in counties where the friends of government had been weak but where anti-Toryism was uncommon before 1775: Berkshire, Hampshire, Cumberland, Lincoln, Barnstable and Bristol./

Bristol. Columns five and six of Table 18 suggest that opposition increased principally among the yeomanry of the western counties and Maine, and among government officials and artisans of the East. We may conclude, therefore, that in general after 1775 the friends of government played little or no part in the activities of the Loyalists in the West and South of Massachusetts or in the district of Maine.

The analysis of the occupations of the friends of government and the Loyalists given in Table 18 and Appendix E supports the view that both groups were drawn primarily from the East of the province and that the Loyalists were stronger in the West than the friends of government. Three-quarters of the province's working population were employed in the agricultural sector, the majority of whom were yeoman freeholders, yet less than one-fifth of the friends of government and 28.80 per cent of the Loyalists made their living from the soil. Whereas less than 3 per cent of the colony's workers were employed in commercial occupations as merchants; shopkeepers, mariners, etc., one-third of all Loyalists and nearly half the friends of government were engaged in commercial employment. It can be deduced from Appendix E that 95 per cent of Loyalists working in the commercial sector of the economy resided in the eastern seaboard counties. Similarly, Table 18 shows that both the friends of government and the Loyalists contained over five times the percentage of professionals (teachers, lawyers, physicians and clergymen) per head of the total working population (c.2-3 per cent.) The proportions of friends of government and Loyalists who were artisans were also smaller than the average figure for the province (3.13 per cent and 6.46 per cent respectively, as compared to 10 per cent.) Only a handful of friends of government and Loyalists were women or labourers. In short, from the information available it can be said that the friends of government and the Loyalists did not represent cross-sections of Massachusetts's working population/

TABLE 18: OCCUPATIONS OF THE FRIENDS OF GOVERNMENT AND LOYALISTS.

Occupation	FOG	Loyal FOG	Non-Loyal FOG	Exclu- sions	Loyal- ists	Loyal FOG/ Loyalist Differ- ential	In Percen- tages
<u>LAND</u>							
Landowning Gentry	31	26	5		51	25	96.15
Yeomen	58	29	29		187	158	544.83
Other	5	3	2		11	8	266.67
<u>GOVERNMENT</u>	20	14	2	4	64	50	357.14
<u>COMMERCE</u>							
Merchants	174	117	51	6	187	70	59.83
Shopkeepers	38	23	15		48	25	108.70
Other	23	14	9		76	62	442.86
<u>PROFESSIONAL</u>							
Physicians	26	21	5		50	29	138.10
Lawyers	41	30	9	2	37	7	23.33
Clergy	21	15	6		35	20	133.33
Teachers	6	3	3		13	10	333.33
<u>ARTISANS</u>	15	14	1		57	43	307.14
<u>MISCELLANEOUS</u>							
Innkeeper	1	1	0		7	6	600.00
Women*	0	0	0		17	17	-
Labourer	7	0	7		15	15	-
Males under 16 years	0	0	0		7	7	-

TABLE 18, contd.

Occupation	FOG	Loyal FOG	Non-Loyal FOG	Exclu- sions	Loyal- ists	Loyal FOG/ Loyalist Differ- ential	In Percen- tages
Other	14	9	5		21	12	133.33
Total	480	319	149	12	883	564	176.18

*Ami and Elizabeth Cuming were counted as shopkeepers.

Sources: Appendices A and E.

population for they contained disproportionately high numbers of men employed in the commercial and professional sectors of the economy and correspondingly lower numbers of yeoman, artisans, women and labourers. 19

In terms of wealth, the friends of government and the Loyalists were noticeably different. The annual rental values of property belonging to 34.25 per cent of friends of government and 29.84 per cent of Loyalists were recorded in the province tax list of 1771. In comparing the different levels of wealth between the two groups, we notice that a far higher proportion of Loyalists were assessed below £19: 62.82 per cent, as compared to 45.38 per cent. Thus, 54.62 per cent of friends of government and 37.64 per cent of Loyalists were assessed in the upper deciles. Because the numbers of readings for both groups are so small and apply principally to middle and upper class persons, it would be wrong to make too/

too much of this conclusion.²⁰ Nonetheless, the differences in wealth between the two groups are consistent with the view that the Loyalists contained greater numbers of middle class yeomen, artisans and minor government officials than the friends of government, for the tax assessments of these occupational groups were usually lower than that of merchants, professional men and landowning gentry. By the same token, there was a greater probability that friends of government would become Loyalists if the annual rental value of their real and personal property exceeded £19. (See Table 19.)

Comparisons in wealth of the friends of government and Whigs of Boston, Marshfield and Worcester in Table 20 demonstrate that, there was little difference between the two groups. The proportions of each group assessed below £19 and above were roughly similar, although the Whigs of Boston included greater numbers of wealthier citizens.²¹ Previous studies have shown that the Whig and Patriot leaders were overwhelmingly of middle and upper class origins²² and that no significant disparity existed in the levels of wealth for the Loyalists and Patriots.²³ On the basis of this evidence, it can be said that class conflict was not an important feature of the Revolution in Massachusetts. However, these studies of the tax list do not account for the fact that the Whigs and Patriots commanded that support of lower class tradesmen, labourers and artisans. From the time of the non-importation controversy (if we momentarily exclude the Stamp Act Riots), these people exerted an increasing influence on political developments in Boston and the east. The friends of government could count on no such support. We can regard this as confirmation of the Tories' assertions (and worst fears) that the Whig leaders were engaged in revolutionary political activity that to some extent forebade a social revolution.

Genealogy is another basic consideration for establishing the social characteristics of the friends of government and Loyalists ./

TABLE 19: ASSESSED ANNUAL VALUES OF PROPERTY OF THE FRIENDS OF GOVERNMENT AND LOYALISTS.

Wealth in Annual Rental Value £	FOG	Loyal FOG	Non-Loyal FOG	Exclu- sions	Loyal- ists	Loyal FOG/ Loyalist Differ- ential	In Percen- tages
0 - 9	61	27	34		167	140	518.52
10 - 19	52	30	21	1	105	75	250.00
20 - 29	57	39	17	1	73	34	87.18
30 - 39	18	12	5	1	22	10	83.33
40 - 49	36	32	4		44	12	37.50
50 - 59	8	6	1	1	9	3	50.00
60 - 69	9	9	0		9	0	0
70 - 79	2	1	1		2	1	100.00
80 - 89	3	1	2		2	1	100.00
90 - 99	1	1	0		1	0	0
≥100	2	2	0		2	0	0
Total	249	160	85	4	436	276	172.50

Note: Readings for business partnerships recorded only once.
Sources: For the friends of government, Appendix A; for the Loyalists, the lists of names in Maas, Biographical Directory, Jones, Loyalists of Massachusetts, Stark, Loyalists of Massachusetts, Massachusetts Loyalist Claimants were cross-referenced with Bettye Hobbs Pruitt, ed., The Massachusetts Tax Evaluation List of 1771 (Boston, 1978).

TABLE 20: ASSESSED ANNUAL VALUES OF PROPERTY OF THE FRIENDS
OF GOVERNMENT AND WHIGS FROM SELECTED TOWNS.

BOSTON.

Wealth in Annual Rental Value £	Town	FOG	In Percen- tages	Whigs*	In Percen- tages
0 - 9	282	22	2.06	3	2.05
10 - 19	478	14	14.43	23	15.75
20 - 29	423	28	28.87	36	24.66
30 - 39	118	11	11.34	31	21.23
40 - 49	134	30	30.93	29	19.86
50 - 59	25	3	3.09	9	6.16
60 - 69	19	8	8.25	7	4.79
70 - 79	5	1	1.03	4	2.74
80 - 89	7	0	0	2	1.37
90 - 99	1	0	0	1	0.68
≥100	2	0	0	1	0.68
	1,494	97	100.00	140	100.00

Note: 2,275 citizens are named in the extant lists for Boston, but only 1,494 were assessed.

*Excluding Whig friends of government.

TABLE 20, contd.
MARSHFIELD.

Wealth in Annual Rental Value £	Town	FOG	In Percen- tages	Whigs	In Percen- tages
0 - 9	119	3	20.00	17	60.71
10 - 19	32	7	46.67	7	25.00
20 - 29	8	2	13.33	2	7.14
30 - 39	1	1	6.67	0	0
40 - 49	3	0	0	2	7.14
50 - 59					
60 - 69					
70 - 79					
80 - 89	1	1	1.67	0	0
90 - 99	1	1	1.67	0	0
≥100					
Total	165	15	100.00	28	100.00

Note: 250 persons were named in the tax list but only 165 were assessed.

TABLE 20, contd.
WORCESTER.

Wealth in Annual Rental Value £	Town	FOG	In Percen- tages	Whigs	In Percen- tages
0 - 9	204	17	60.71	29	74.36
10 - 19	37	7	25.00	9	23.08
20 - 29	5	3	10.71	1	2.56
30 - 39					
40 - 49	1	1	3.57	0	0
50 - 59					
60 - 69					
70 - 79					
80 - 89					
90 - 99					
100					
Total	247	28	100.00	39	100.00

Note: 333 persons were named in the list but only 247 were assessed.

Sources: For the friends of government, Appendix A. Lists of Whigs are, for Boston: "An Alphabetical List of the Sons of Liberty who Dined at Liberty Tree, Dorchester, August 14, 1769", Procs. MHS, 1st ser., 11 (1869), pp.140-142. For Marshfield, the signatories to a Whig protest against the resolves of the town meeting of February 23, 1774 are in BGCJ, February 28, 1774 1/2. The names of Worcester Whigs were taken from the membership list of the American Political Society in Albert A. Lovell, Worcester in/

TABLE 20, contd.

in the War of the Revolution... (Worcester, Mass., 1876), pp.21-24.

The names of all the Whigs were then cross-referenced with Pruitt, ed., Massachusetts Tax Evaluation List of 1771.

Loyalists. A list of the most prominent families given in Table 21 reads like an eighteenth-century social register. Many friends of government and Loyalists were descendants of the Puritan settlers who came to Massachusetts during the Great Migration of 1630-1640. Others, such as the Amorys and the Ervings, arrived in Boston in the late seventeenth- or early eighteenth-centuries and were quickly assimilated into colonial society.²⁴ A few were intermarried with some of the Bay colony's most distinguished families.²⁵

Overall, the political and ideological divisions of the Revolution were not reflected in the genealogical composition of the Loyalists and Patriots. With few exceptions, Patriot leaders could trace their ancestry back to the Puritan settlers.²⁶ Family ties between Patriots and Loyalists enhanced a common history. Naturally, one effect of the Revolution was to split families.²⁷

But a closer look at the patterns of intermarriage among those friends of government who became Loyalists in Table 22 suggests that familial ties played a part in determining their allegiance. The Putnam-Chandlers of Worcester, the Amorys and the Coffins (the largest of the Loyalist families), for example, like the better known Hutchinson-Olivers, represented informal quasi-political units which by 1774 provided the leadership for the opponents of the Whig protest movement²⁸ (see Table 23).

TABLE 21: GENEALOGY OF THE FRIENDS OF GOVERNMENT AND LOYALISTS.

Family	Origin	Arrival in Massachusetts	Linear Descendants	
			FOG	Loyalists
Amory	England/ Ireland	1685 to SC. 1719 to Mass.	3	3
Blowers	England	17thC.	1	1
Boutineau	France	1660s	1	1
Boylston	England	1635	3	1
Brattle	England	17thC.	2	2
Browne	England	1632-1635	1	2
Byles	England	17thC.	2	2
Carver	England	1620s	0	4
Chandler	England	1637	6	5
Chipman	England	17thC.	1	2
Coffin	England	1642	5	17
Curwen	England	1638	1	1
Danforth	England	1635	2	2
Deblois	France	1710s to NY. and Mass.	3	8
Erving	Scotland	1698-1710	3	5
Faneuil	France	Mid-17thC. to NY and Mass.	2	2
Goldthwaite	England	1630	3	5
Gray	England	1680s	4	4
Hutchinson	England	1632	5	6
Jeffries	England	1677?	1	1
Johonnot	France	1686	2	2
Joy	England	1630	1	4
Leonard	England	1680s	2	2
Loring	England	1640s	2	3
Lynde	England	1650s	1	0
Oliver	England	1632	8	9
Paine	England	1635	3	3
Phips/				

TABLE 21, contd.

Family	Origin	Arrival in Massachusetts	Linear FOG	Descendants Loyalists
Phips	England	1673	1	1
Putnam	England	1640	5	3
Pynchon	England	1630	1	0
Quincy	England	1630s	1	1
Royall	England	1629	1	1
Ruggles	England	1630	2	4
Salton- stall	England	1630	1	2
Sewall	England	1634	2	2
Sparhawk	England	1670s	2	6
Vassal	England	1630	2	4
White	England	1620	9	11
Winslow	England	1620	10	8
Total			105	146

Note: Friends of government and Loyalists are not always the same people.

Sources: The Genealogical tables of most of these families are found in NEHGR. Ships' passengers lists, 1620-1640 were used to establish the arrival dates of immigrant families, in Charles Edward Banks, The Planters of the Commonwealth: A Study of the Emigrants and Emigration in Colonial Times (ed. Baltimore, 1972). Also useful were collections of family papers: the Coffin Papers, Jeffries Papers, Samuel Quincy Papers, Robie-Sewall Papers, Boylston Papers at the MHS. Other sources were: Jones, Loyalists of Massachusetts; Stark, Loyalists of Massachusetts; Thwing File, MHS; Sibley's Harvard Graduates.

TABLE 22: INTERMARRIAGES OF THE FAMILIES OF FRIENDS OF GOVERNMENT
WHO BECAME LOYALISTS.

Thomas Amory	m	Elizabeth Coffin, f. <u>William</u> , 1765
John Amory	m	Catherine Greene, f. Rufus
Moses Badger	m	Mary Saltonstall, f. Richard, 1771
Jacob Bailey	m	Sally Weeks, f. Joshua W., 1761
George Bethune	m	Mary Faneuil, f. <u>Benjamin</u> , 1754
James Boutineau	m	Susannah Faneuil, 1738
Clark Chandler	m	Elizabeth Ruggles
John Chandler	m	Dorothy Paine, 1741
Rufus Chandler	m	Eleanor Putnam, f. James
Richard Clarke	m	Elizabeth Winslow, f. Edward
Nathaniel Coffin	m	Elizabeth Barnes, f. Henry
Gilbert Deblois	m	Anne Coffin, f. <u>William</u>
Philip Dumaresque	m	Rebecca Gardiner, f. Sylvester, 1763
George Erving	m	Lucy Winslow, f. Isaac, 1768
Samuel Fitch	m	Elizabeth Lloyd, f. Henry, 1753
Ralph Inman	m	Elizabeth Murray, f. John
Peter Oliver Jr.	m	Sarah Hutchinson, f. Thomas, 1770
Thomas Oliver	m	Elizabeth Vassal, f. John
Robert Pagan	m	Miriam Pote, f. Jeremiah
Timothy Paine	m	Sarah Chandler, f. John
Peter Frye	m	Love Pickman, f. Benjamin
Sylvester Gardiner	m	Abigail Pickman, f. Benjamin
Elisha Hutchinson	m	Mary Watson, f. George
Thomas Hutchinson Jr.	m	Sarah Oliver, f. <u>Andrew</u> , 1770
William Pepperrell	m	Elizabeth Royall, f. Isaac, 1770
David Phips	m	Mary Greenleaf, f. Stephen, 1753
Jonathan Simpson	m	Margaret Lechmere, f. Richard
Jonathan simpson Jr.	m	Jane Borland, f. John
George Spooner	m	Phoebe Borland, f. John
John Vassal	m	Elizabeth Oliver, 1761
John Watson	m	Lucy Marston, f. Benjamin, 1769
Gideon White	m	- Watson, f. George
Isaac Winslow/		

TABLE 22, contd.

Isaac Winslow (1743-1793)	m	Mary Davis, f. Benjamin, 1772
Pelham Winslow	m	Joanna White, f. Gideon, 1770

Note: Non-Loyalist males underlined.
Source: Maas, Biographical Directory.

The above observations were applied equally to friends of government who were Tories, Whigs or of indeterminate affiliation before 1775. However, less than half the Tories (79 of 176) became Loyalists as compared to two-thirds of the Whigs (see Appendix A). For most Whigs who had broken with the Whig leadership of the protest movement, there was no turning back. We may regard the high percentage of neutrals among the friends of government as confirmation of the view that anti-Toryism intimidated early opponents of the Whig protest movement into silence by 1775. Overall, those friends of government who took an early stand against the Whig movement, 1765-1771, were more inclined to become neutrals than Loyalists (see Table 24). The overwhelming majority of friends of government who were Loyalists became actively involved in politics for the first time in 1774 or 1775. We may regard this fact as confirmation of the view that the ideological and political conflicts of the 1760s and 1770s in Massachusetts and the colonies had a major impact on Americans, pushing many in the direction of Loyalism.

TABLE 23: FAMILY TREES OF LOYALISTS.

COFFIN FAMILY.

William Coffin m Ann Holmes
(1699-1774)

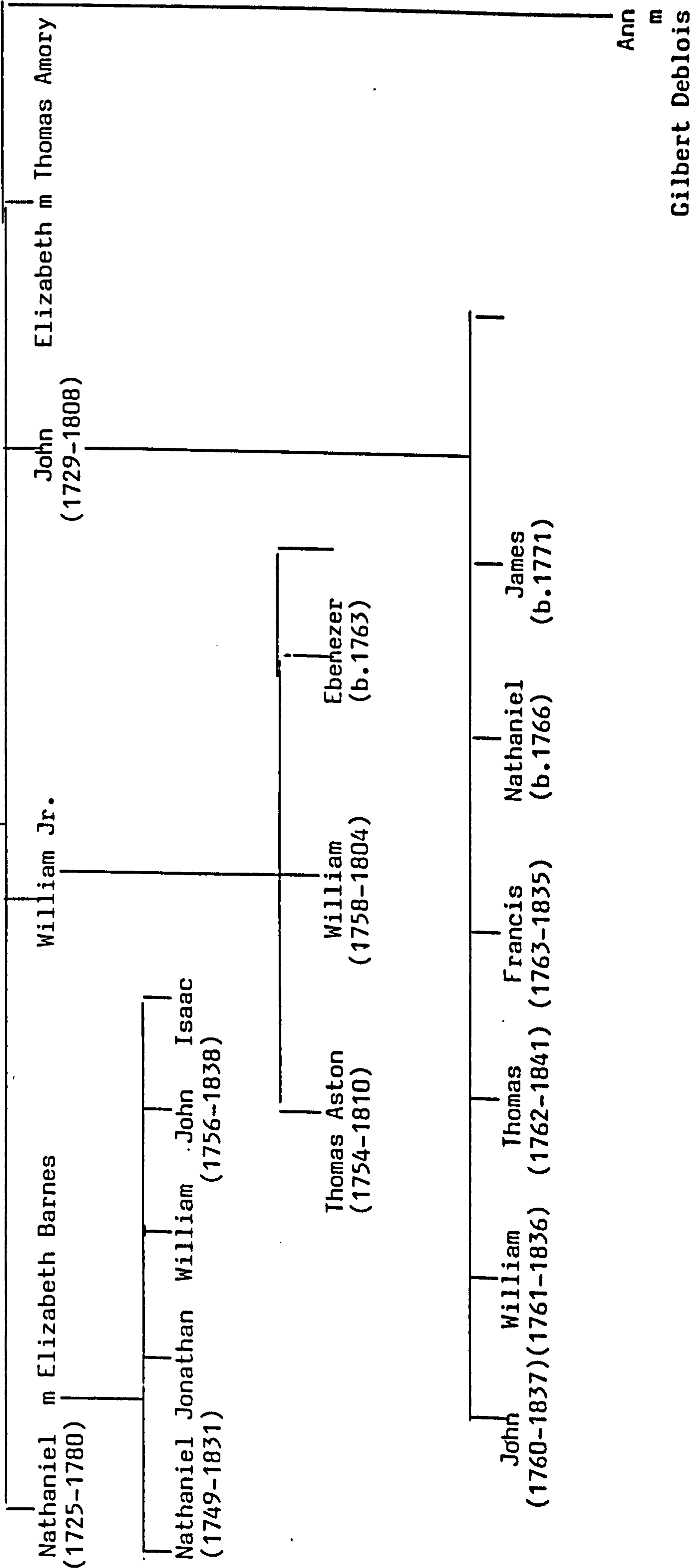
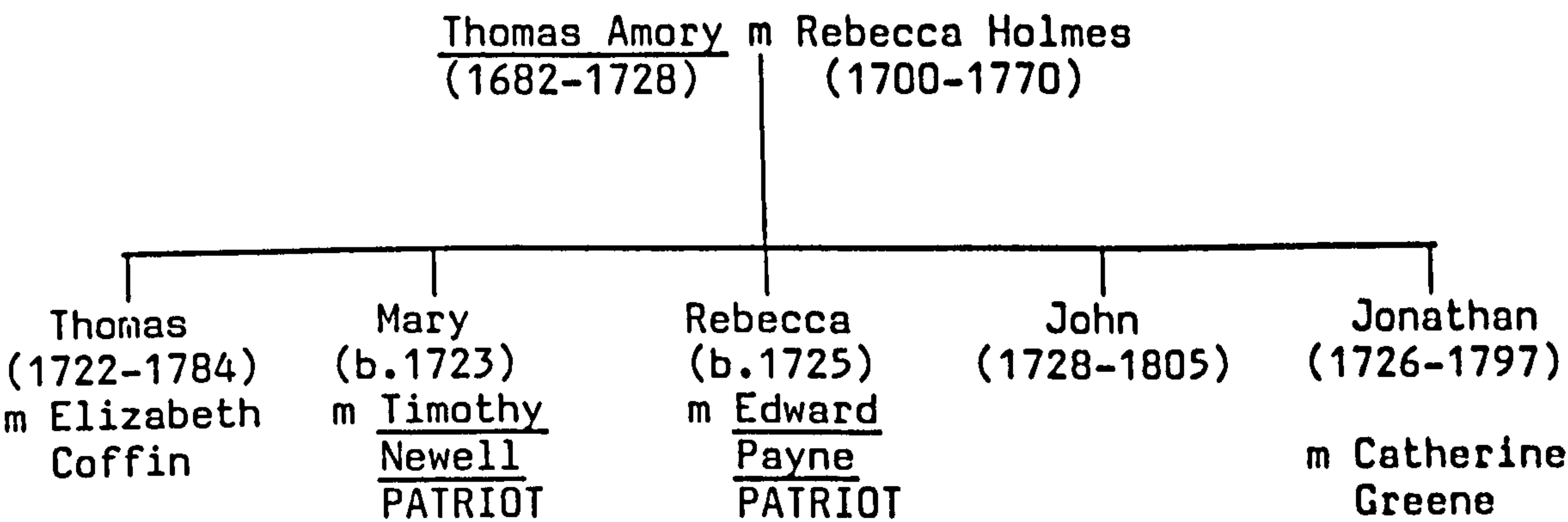
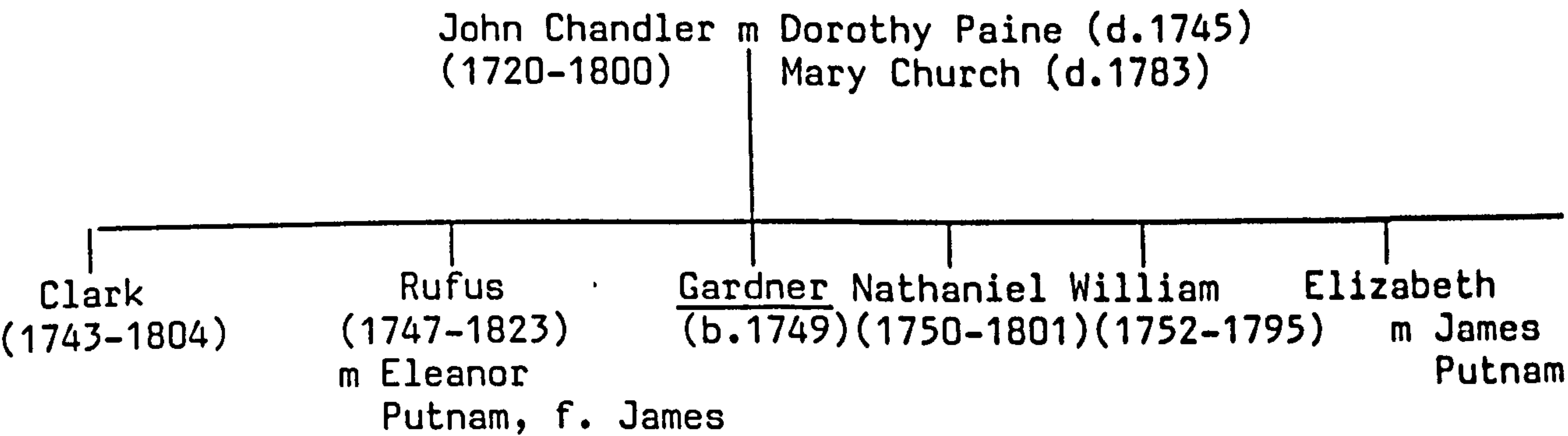


TABLE 23, contd.
AMORY FAMILY.



CHANDLER-PUTNAM FAMILY



Note: Non-Loyalist males underlined.
Sources: Maas, Biographical Directory, passim; Stark, Loyalists of Massachusetts, pp.233-243; Gertrude E. Meredith, The Descendants of Hugh Amory, 1605-1805 (London, 1901).

TABLE 24: THE POLITICAL AWARENESS AND ACTIVITY OF THE
FRIENDS OF GOVERNMENT: DATES.

<u>Period</u>	<u>Loyal FOG</u>	<u>Non-Loyal FOG</u>	<u>Exclusions</u>
Unknown	13	13	1
1765-1766	31	32	7
1767-1771	51	61	4
1772-1773	30	45	2
1774	176	131	
1775	98	35	
Total	396	317	.14

Source: Appendix A.

* * * * *

There were no major differences in composition between the friends of government and the Loyalists in matters of age, education, religion, public service. and place of birth. Similarly, both groups were concentrated in Boston and the ports and commercial-farming towns of the eastern seaboard. Neither represented a cross-section of Massachusetts's adult working/

working population, for they contained disproportionately high numbers of men employed in commerce and the professions. Differences that existed between the two groups in terms of geographical distribution, occupations and wealth indicate that after 1776 the Loyalists drew greater support from the yeomen farmers of the west and south of the province and Maine, - areas where the friends of government had been weak - and from women, artisans, labourers and government officials. In other words, the friends of government were a more socially homogeneous group than the Loyalists. Here, perhaps, was one of their most important failings: their inability to attract support from western farmers, artisans and the lower orders. These groups supported the Whigs and the Patriots. Statistically, some friends of government showed a greater tendency than others to become Loyalists: Anglicans, Sandemanians, immigrants (especially the Scots), office-holders, wealthy merchants and shopkeepers, and those who were married into the families of other friends of government. Historians have been aware that these sub-groups made up a significant proportion of Massachusetts's Loyalists. However, the peculiar factors of motivation which operated for each of these groups cannot be applied to the loyal friends of government as a whole. One factor which can, and has been overlooked in the past, is the effect of the political and ideological conflicts of 1765-1775 on the opponents of the Whig protest movement. Friends of government who took an active part in politics for the first time in 1774 or 1775 made up the bulk of the loyal friends of government. These men responded to the leadership of the dissident moderate Whigs and the Tories, who had been to the fore in the opposition to the Whigs since the 1760s, before they declared their allegiance to Britain.

CHAPTER THIRTEEN: CONCLUSION

We have now come full circle in our attempt to understand more fully the problem of why the Loyalists were unable to prevent the Revolution. To what extent, therefore, does the foregoing account of the ideology and political behaviour of the Massachusetts friends of government enrich our awareness of the problem and provide some answers?

Firstly, the roots of Loyalist ideology lay in the responses of the friends of government to the revolutionary movement from the time of the Stamp Act Crisis of 1765-1766.

The Stamp Act Riots had a profound impact on senior government officials and Tories. For government officials there was the disturbing realisation that British ministers and M.P.s did not understand how far British authority in the colonies was dependent upon a consensus of political opinion and the willingness of people to submit to the exercise of that authority. Rioters and popular political leaders had rendered the implementation of an act of Parliament null and void. Tories were also concerned that the riots and the protests of the Whigs would lead to political and social revolution in the colonies. While they shared the Whigs' desire to have the Stamp Act and later the Townshend Acts repealed, they differed in the preferred methods by which the colonists should proceed: whereas the Whigs pursued a dual strategy of resistance and formal legal protests, the Tories discountenanced resistance to British authority/

authority and argued that Americans ought to submit to unpalatable acts of Parliament until such time as Britain took heed of their petitions and supplications and repealed the measures. But on the whole, the Tories were less concerned with the rights and wrongs of Britain's colonial policies than they were with the possible consequences of resistance, for they perceived a cause and effect relationship between resistance to Parliamentary authority and the decline in the traditional authority and power of the provincial government. The Whigs appeared to them to be leading Americans along the road to independence, civil war and political revolution that would also level many social distinctions.

The colonies may not have been on the verge of revolution or rebellion in 1765, 1768 or 1770, and the Tories' fears may seem to us now to be exaggerated and alarmist. But that does not make them any less real. In view of the profound effect that the Stamp Act Riots, the Liberty Riot, the Non-Importation Controversy and the Boston Tea Party had upon the ideology of rank-and-file Tories such as Nathaniel Coffin, we must not underestimate or take for granted the strength of their convictions and beliefs.

On the other hand, we cannot readily attribute the defection of the Whig friends of government from the protest movement solely to ideological factors. Economics, in particular, played a major part in determining the political behaviour of moderates such as the Amory brothers during the Non-Importation Controversy of 1768-1770. The dissidents embraced a brand of Whiggism that reflected the economic and political climates of the day. Their support for non-importation was conditional on the capacity of the Whig-merchant leadership to enforce favourable trading restrictions that permitted no advantages to merchants and shopkeepers who broke the agreements. The decisions of the New York and Philadelphia merchants to give up non-importation effectively undermined the Boston agreement, for/

for it destroyed the basis of intercolonial economic-political co-operation upon which the success of the boycott had depended. Thus, when the radicals and Whig-merchant leadership moved to continue with the total boycott, the Amorys and the dissidents organised the merchants in a successful attempt to end the embargo on all British goods. By the same token, from 1765 to 1773, the dissidents in the General Court and town meetings - such as John Erving - sided with the provincial government in moments of political quiet, but joined the radicals and other moderate Whigs in opposition on every contentious issue when they perceived the political rights and liberties of Americans to be endangered by British policies. Nonetheless, the crux of the matter for most dissidents in deciding to oppose the Whig leadership, especially for the Amorys and the merchants in 1770, was a desire to re-assert control over their own political and economic destinies, which had been denied them by the radicals' dominance of the Whig movement: this was the ideological basis of their response to the Revolution.

But while proto-Loyalist ideology in some measure cut across political boundaries, it did not traverse social ones. The friends of government were upper and middle class merchants, shopkeepers, professionals, gentry farmers and yeomen. Unlike the Whigs, they could never muster much support among the western farmers and the artisans and lower orders of the east coast towns. The lack of political support from these groups contributed to the inability of the friends of government to defeat the Whigs in the town meetings.

Secondly, the study of the political behaviour of the friends of government demonstrates that in general they lacked a political coherence born of a common purpose. It was only in Boston that the friends of government created a counter-revolutionary "movement" or "party". The Bostonians' exertions to destroy the influence of the Whig leaders and party/

party were not matched by those of the friends of government in the General Court and in towns elsewhere in the province.

The sixty Tories who sat in the House of Representatives between 1764 and 1774 did not take part in public affairs and the political life of the province with a sense of collective identity or group responsibility. They were not an organised political faction but a loose congregation of individuals who shared a common political ideology. The Tories did vote together on certain issues, but, unlike the Whigs, rarely if ever met to plan their strategy for the duration of a session. The royal governors had to court their allegiance on virtually every issue as it arose. Francis Bernard and Thomas Hutchinson were never quite sure as to how the friends of government in the House would vote (and, of course, Tory representatives were often instructed by their constituents to vote against the government.) In short, the Tories and moderates in the House who voted with them did not function as a court party.

Similarly, Governor Bernard was unable to win the active and consistent support of the Tories and moderates who sat on the Council. Indeed, he eventually alienated men of both factions, partly because of his careless political management. Thomas Hutchinson made some headway in gaining the confidence and co-operation of the moderate councillors when he took over as acting governor in 1769. But like his predecessor, Hutchinson could not achieve his main political objective of forging a Tory-moderate coalition party in the General Court. Increasingly, his political ideas and solutions to the imperial disputes were made to appear unattractive, outmoded and unrealistic by his enemies. Hutchinson won over few adherents in the period 1771-1773, before the publication of his letters to Thomas Whately of 1768 brought about his political destruction.

Thus, by 1774, the Whigs were firmly in control of the Massachusetts/

Massachusetts assembly.

Protests against the Whigs were organised by friends of government in Salem, Marblehead, Plymouth, Marshfield, Petersham, Worcester and other towns. But they were sporadic, short-lived affairs and did not give birth to any lasting political organisation or infrastructure that could have co-ordinated the activities of friends of government throughout the province and between those in the town meetings and those in the assembly. The Whigs, of course, by eighteenth-century standards, created a powerful popular political machine outwith the institutions of government based on voluntary associations, political clubs, local committees, county conventions, and the Provincial and Continental Congresses.

Thirdly, the reasons for the political demise of the friends of government are not difficult to pin-point.

Bernard and Hutchinson had the unenviable task of trying to win their political allegiance on such grossly unpopular measures and issues as the Stamp Act, the rescinding of the circular letter of 1768, the arrival of British troops in Boston, and the provision of Crown salaries for government officials and judges.

Paradoxically, while the attention of Tories outside the General Court was focused on the fundamental consequences of resistance to British authority, the Tories and moderates in the assembly, between 1764 and 1774, chose to ignore the messages contained in the ideologically charged "argumentative speeches" delivered to them by Bernard and Hutchinson in order to join with the Whigs to protest against the Stamp Act, Townshend Acts and the provision of Crown salaries for colonial officials. In public life at least, the friends of government preferred to concentrate on the immediate issues at hand - namely, the repeal/

repeal of those acts - rather than follow the dictates of their political ideology and leadership offered by the royal governors. The friends of government believed that if the unpopular reforms could be overturned peace would return to the province and the colonies.

Yet, at the same time, it must be said that the friends of government and moderates who remained loyal to the Whig cause were often reluctant to cross or defy the Whig leadership. Anti-Toryism was a highly effective political weapon in the Whigs' armoury. It fulfilled the dual purpose of maximising the level of popular liberal support for the Whigs and discouraging political opposition from senior government officials, friends of government in the General Court and town meetings, and merchants in the eastern ports during the Non-Importation Controversy. The success of anti-Tory propaganda lay in its portrayal of dissenting Whigs and conservatives as outcasts from the Puritan-Whig commonwealth of interests. They were, it was said, collaborators with an oppressive programme of "foreign" legislation who were prepared to sacrifice colonial liberties in exchange for better and newer rewards from the empire. The Whigs used anti-Toryism as a tactic to unite a diverse and heterogeneous political movement against both an external enemy - Britain - and an internal enemy - the "Tories". Anti-Toryism contributed to the electoral successes of the Whig party, 1766-1770, that irrevocably altered the distribution of political power in their favour in the House, Council and town meetings. This fact can, to some extent, explain the paradox of why the friends of government did not respond as ^agroup to Bernard and Hutchinson's "argumentative speeches" and take collective political action upon their behalf: in simple terms, the friends of government were not prepared to risk being proscribed as "Tories".

We can place anti-Toryism within the broader context of American anti-libertarian traditions that have existed since the/

the seventeenth-century. I suggest that the friends of government were among the first victims of the American liberal consensus of opinion that was remarkably intolerant of those who chose to oppose the commonwealth of interests. To the friends of government, anti-Toryism was the incarnation of the "democratic tyranny" much feared by conservatives in the eighteenth-century.

One measure of the extent to which the political influence of the friends of government was collapsing during the 1760s and 1770s was the recommendations made by Francis Bernard, Thomas Hutchinson and other senior officials to the British government to introduce sweeping constitutional reforms to Massachusetts designed to reduce the political power of the Whigs. Hard times, they reasoned, demanded drastic action, such as the appointment of a mandamus Council. In part, the necessity of changing the "rules" of political battle stemmed from the fact that by 1769-1770 the friends of government in the General Court could not compete adequately by the existing "rules". In their official and private correspondence with Britain, Bernard and Hutchinson discoursed freely on the plight of the friends of government and the criticisms that they made of British colonial policies in order to justify the need to reform the structure of government in Massachusetts. Also, they portrayed the reforms as being in themselves sensible long-term solutions to the crisis of authority facing the provincial government. Historians have been sparing in their acknowledgements that Bernard and Hutchinson realised that the success of Britain's policies depended upon the political behaviour of the friends of government as much as it did the capability of the provincial government to execute them. It is unclear if British ministers and M.P.s shared this opinion or if their ignorance of the predicament of the friends of government had a detrimental effect on Britain's handling of the disputes with the colonies.¹ Our knowledge of the American Revolution/

Revolution would be greatly improved by further research into this topic.

Despite a catalogue of political disappointments, by the summer of 1774, in the aftermath of the Boston Tea Party and the introduction of the Coercive Acts, a community of feeling had developed among the Tories and dissident Whigs of Boston, and many others of no previous political affiliation. These friends of government came together in an anti-Whig coalition with a broad ideological base. Their ideas and proposals embraced much of what the Tories had been saying since the 1760s and what the Loyalist pamphleteers were soon to articulate: a defence of the legislative supremacy of Parliament in the colonies (coupled with a repeal of the Coercive Acts); a rejection of the Whigs' strategy of resistance in favour of dutiful and respectful remonstrances to the King and Parliament; and opposition to the Whig orthodoxy of opinion. The coalition's main political purposes were to destroy the Boston committee of correspondence and the Solemn League and Covenant, and reach a compromise with Britain over the destruction of the East India Company's tea in order to have the Coercive Acts repealed. Their action was taken largely without the assistance of the provincial government and the new governor, General Thomas Gage.

Finally, however, the defeat of the friends of government in Boston marked the end of their political influence in the colony and was soon followed by the collapse of the authority of the provincial government in the countryside. After military hostilities commenced in April 1775 only half the friends of government were prepared to denounce the Patriot cause and declare their allegiance and loyalty to Britain. The British forces stationed in Boston could offer the Loyalists and potential Loyalists little in the way of protection, and the Patriots had a free hand to arrest and apprehend them. Significantly,/

Significantly, from 1776 through 1783, the Loyalists drew much support from areas where the proscription and intimidation of the loyal friends of government had been rare and where the friends of government overall had been weakest, such as in the West and South of Massachusetts and in the district of Maine.

The failure of the Massachusetts Loyalists to halt the progress of the revolutionary movement in their colony can be traced to the ideological and political conflicts of the 1760s and 1770s when the friends of government emerged to challenge the political power of the Whig party but could not overthrow it. They were unable to form durable political alliances with the moderates, the majority of whom remained loyal to the protest movement and the Whig leadership. Nor did the friends of government take collective political action to defeat the Whigs in response to the pleas of the royal governors. The essential weakness of the friends of government was their inability to inspire themselves and others to act in defence of the interests of the provincial government and Great Britain until 1774, when it was virtually too late to do anything to end the political hegemony of the Whigs. Their political shortcomings can be attributed to the effectiveness of the Whigs' anti Tory campaigns in undermining their resolve and political credibility and in preventing large-scale defections from the protest movement. Also, the general unpopularity of Britain's colonial policies made the friends of government extremely reluctant to defend publicly British authority on any single major issue, although, paradoxically, they called for an end to resistance and submission to parliamentary authority. The unsuccessful attempt by the friends of government in Boston in 1774 to undermine the power of the Whigs and the destruction of the power of the provincial government outside the capital during the autumn and winter left the way open for the Whigs to extend their policy of resistance to Britain and continue the/

the proscription of those who chose to remain loyal to Britain. Only a tiny fraction of the colony's adult male population became Loyalists, and less than 30 per cent of them were friends of government. A popular Loyalist counter-revolutionary movement could never have occurred in Massachusetts, for although the ideological bases for such a movement took shape between 1765 and 1774, its political form never fully developed outside of Boston and had all but ceased to exist when the British withdrew their forces to Nova Scotia in 1776.

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